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November 1, 2006

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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MISSOURI REGISTER



November 1, 2006

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2005), are available in the listed participating libraries, as selected by the Missouri State Library:

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Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

EXECUTIVE ORDER 06-31

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri, including but not limited to the counties of Butler, Crawford, Dunklin, Iron, Madison, New Madrid, Perry, Phelps, Reynolds, Ripley, St. Francois and Washington; and

WHEREAS, the severe weather that began on September 22, 2006 and continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

WHEREAS, the citizens and communities of Missouri are still recovering from the effects of the March and April 2006 severe storms; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on October 23, 2006, unless extended in whole or in part.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of September, 2006.

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Governor

A handwritten signature in black ink that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
06-32**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri, including but not limited to the counties of Butler, Crawford, Dunklin, Iron, Madison, New Madrid, Perry, Phelps, Reynolds, Ripley, St. Francois and Washington; and

WHEREAS, the severe weather that began on September 22, 2006 has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

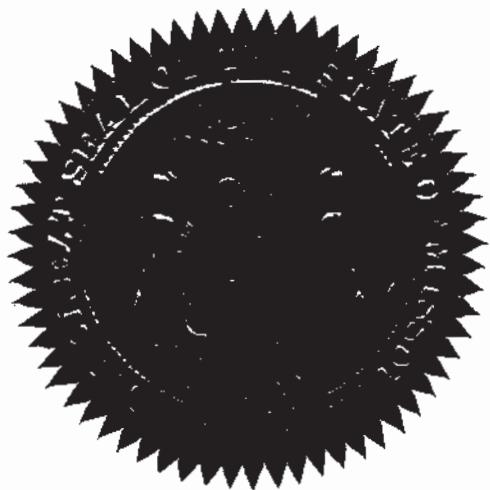
WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, Executive Order 06-31 was issued on September 23, 2006, declaring Missouri to be in a State of Emergency; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period. The authority granted by this Order shall terminate on October 23, 2006 unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26th day of September, 2006.

A handwritten signature in black ink, appearing to read "Matt Blunt".

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink, appearing to read "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.117 Prohibited Species. The commission proposes to amend subsection (2)(D).

PURPOSE: This amendment adds mysterysnails of the genus *Cipangopaludina* to the list of species that may not be possessed in Missouri.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; Australian crayfish of the

genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; mysterysnails of the genus *Cipangopaludina*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.145 Preparing and Serving Wildlife. The commission proposes to amend section (1).

PURPOSE: This amendment corrects a reference that wildlife labeling requirements apply to the taker of such wildlife, including the Telecheck confirmation number.

(1) Any person possessing wildlife legally may serve it in his/her home or camp, or deliver it in person to any place customarily engaged in serving food and, within seven (7) days of delivery, may have it prepared and served to him/her. The wildlife shall be labeled with the full name, address and, where required, permit number or for deer and turkeys Telecheck confirmation number of the *[person delivering it] taker* and this information, together with the species and number of wildlife and the date of delivery, shall be recorded by the recipient.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 18, 1969, effective Dec. 31, 1969. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.310 Resident Lifetime Conservation Partner Permit. The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: *This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.*

(1) To chase, pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish, live bait, birds (including migratory birds; except wild turkey) and mammals (except deer), and to sell furbearers taken by hunting. Fee:

(A) For persons age **fifteen** (15) and under: five hundred fifty dollars (\$550)

(B) For persons age **sixteen** (16) *[to]* **through twenty-nine** (29): eight hundred dollars (\$800)

(C) For persons age **thirty** (30) *[to]* **through thirty-nine** (39): seven hundred dollars (\$700)

(D) For persons age **forty** (40) *[to]* **through fifty-nine** (59): six hundred dollars (\$600)

(E) For persons age **sixty** (60) *[to]* **through sixty-four** (64): seven dollars (\$70)

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.315 Resident Lifetime Fishing Permit. The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: *This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.*

(1) To pursue, take, possess and transport fish (including trout), frogs, mussels, clams, turtles, crayfish and live bait. Fee:

(A) For persons age **fifteen** (15) and under: Two hundred seventy-five dollars (\$275)

(B) For persons age **sixteen** (16) *[to]* **through twenty-nine** (29): Four hundred dollars (\$400)

(C) For persons age **thirty** (30) *[to]* **through thirty-nine** (39): Three hundred fifty dollars (\$350)

(D) For persons age **forty** (40) *[to]* **through fifty-nine** (59): Three hundred dollars (\$300)

(E) For persons age **sixty** (60) *[to]* **through sixty-four** (64): Thirty-five dollars (\$35)

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.320 Resident Lifetime Small Game Hunting Permit. The commission proposes to amend subsections (1)(A), (B), (C), (D), and (E).

PURPOSE: *This amendment provides consistency in the way references to numbers are listed throughout the Wildlife Code.*

(1) To chase, pursue, take, possess and transport birds (including migratory birds; except wild turkey), mammals (except deer) and frogs, and to sell furbearers taken by hunting. Fee:

(A) For persons age **fifteen** (15) and under: Two hundred seventy-five dollars (\$275)

(B) For persons age **sixteen** (16) *[to]* **through twenty-nine** (29): Four hundred dollars (\$400)

(C) For persons age **thirty** (30) *[to]* **through thirty-nine** (39): Three hundred fifty dollars (\$350)

(D) For persons age **forty** (40) *[to]* **through fifty-nine** (59): Three hundred dollars (\$300)

(E) For persons age **sixty** (60) *[to]* **through sixty-four** (64): Thirty-five dollars (\$35)

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed April 30, 2001, effective March 1, 2002. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.330 Resident Small Game Hunting and Fishing Permit. The commission proposes to amend the title of this rule.

PURPOSE: *This amendment changes the title of the rule to make it consistent with other rules and more descriptive of the privileges conveyed.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.230. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.351 Resident Firearms Any-Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment provides consistency in identifying permitted limits.*

To pursue, take, possess and transport *[a]* one (1) deer of either sex statewide during the firearms deer hunting season. Fee: seventeen dollars (\$17).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed June 5, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment provides consistency in identifying permitted limits.*

To pursue, take, possess and transport *[an]* one (1) antlerless deer during the firearms deer hunting season. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.375 Resident Cable Restraint Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment will reduce the cost of the Cable Restraint permit from twenty-five dollars (\$25) to ten dollars (\$10).*

To attempt to take or take by cable restraint device only and to possess, transport and sell furbearers. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Fee: *[twenty-five dollars (\$25)]* ten dollars (\$10).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment is a reduction in cost of the permit, and will result in a revenue loss to the Missouri Department of Conservation. The permit fee is being reduced from twenty-five dollars (\$25) to ten dollars (\$10), for a reduction of fifteen dollars (\$15) per trapper. 271 Missouri resident trappers bought this permit in 2005. 271 trappers and hunters × \$15 fee reduction × 5 years = \$20,325 total revenue loss to MDC.

PRIVATE COST: This proposed amendment is a reduction in cost of the permit, and will result in a cost savings to Missouri resident trappers. The permit fee is being reduced from twenty-five dollars (\$25)

to ten dollars (\$10), for a cost savings of fifteen dollars (\$15) per trapper. 271 Missouri resident trappers bought this permit in 2005. 271 trappers and hunters \times \$15 cost savings \times 5 years = \$20,325 total cost savings to trappers.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5 Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.375 Resident Cable Restraint Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$20,325

III. WORKSHEET

This amendment is a reduction in cost of the permit, and will result in a revenue loss to the Missouri Department of Conservation. The permit fee is being reduced from \$25 to \$10, for a reduction of \$15 per trapper. 271 Missouri resident trappers bought this permit in 2005.

271 trappers & hunters X \$15 fee reduction X 5 years = \$20,325 total revenue loss to MDC.

IV. ASSUMPTIONS

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5 Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.375 Resident Cable Restraint Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Resident trappers	n/a	\$20,325 cost savings
		To resident trappers.

III. WORKSHEET

This amendment is a reduction in cost of the permit, and will result in a cost savings to Missouri resident trappers. The permit fee is being reduced from \$25 to \$10, for a cost savings of \$15 per trapper. 271 Missouri resident trappers bought this permit in 2005.

271 trappers & hunters X \$15 cost savings X 5 years = \$20,325 total cost savings to trappers.

IV. ASSUMPTIONS

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.440 Daily Fishing Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the daily fishing permit from five dollars fifty cents (\$5.50) to seven dollars (\$7.00).

To pursue, take, possess and transport fish, frogs, mussels, clams, turtles, crayfish and live bait. Fee: *five dollars fifty cents (\$5.50)* **seven dollars (\$7)** per day. A permit may be purchased for multiple days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately three hundred eighty thousand four hundred seventy-five dollars (\$380,475) in the aggregate per year. This is based on 253,650 daily fishing permits sold \times \$1.50 increase per permit. \$380,475 per year \times the assumed 5 year life of the regulation = \$1,902,375 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.440 Daily Fishing Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
253,650 daily fishing permit buyers	N/A	\$1,902,375

III. WORKSHEET

253,650 daily fishing permit buyers X \$1.50 increase per permit sold = \$380,475 aggregate cost per year. \$380,475 per year X the assumed 5 year life of the regulation = \$1,902,375 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.460 Licensed Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment clarifies that only permitted species may be pursued under this permit.*

To pursue, take, possess and transport **only** pheasants, exotic partridges, quail, and ungulates (hoofed animals) from a licensed hunting preserve. Fee: ten dollars (\$10).

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.285. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.465 Three-Day Licensed Hunting Preserve Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment clarifies that only specified species may be pursued under this permit.*

To pursue, take, possess and transport **only** pheasants, exotic partridges, quail, and ungulates (hoofed animals) from a licensed hunting preserve. Fee: five dollars (\$5) for three (3) consecutive days.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.287. Original rule filed June 25, 1979, effective Oct. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be*

received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.540 Nonresident Fishing Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment increases the price of the nonresident fishing permit from thirty-five dollars (\$35) to forty dollars (\$40).*

To pursue, take, possess and transport fish, frogs, mussels, clams, turtles, crayfish and live bait. Fee: *[thirty-five dollars (\$35)] forty dollars (\$40).*

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities approximately two hundred fifty-eight thousand two hundred thirty dollars (\$258,230) in the aggregate per year. This is based on 51,646 nonresident fishing permit buyers × \$5 increase in permits sold. \$258,230 per year × the assumed 5 year life of the regulation = \$1,291,150 total aggregate cost over the 5 year term.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5- Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.540 Nonresident Fishing Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
51,646 nonresident permit buyers	N/A	\$1,291,150

III. WORKSHEET

51,646 nonresident fishing permit buyers X \$5.00 increase per permit sold = \$258,230 aggregate cost per year. \$258,230 per year X the assumed 5 year life of the regulation = \$1,291,150 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.545 Nonresident Small Game Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident small game hunting permit from sixty-five dollars (\$65) to seventy-five dollars (\$75).

To chase, pursue, take, possess and transport birds (except wild turkey), mammals (except deer and furbearers) and frogs, and to chase furbearers for training dogs during the closed season. Fee: *[sixty-five dollars (\$65)] seventy-five dollars (\$75).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately forty-six thousand eighty dollars (\$46,080) in the aggregate per year. This is based on 4,608 nonresident small game hunting permit buyers \times \$10 increase in permits sold. \$46,080 per year \times the assumed 5 year life of the regulation = \$230,400 total aggregate cost over the 5 year term.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.545 Nonresident Small Game Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4,608 nonresident permit buyers	N/A	\$230,400

III. WORKSHEET

4,608 nonresident small game hunting permit buyers X \$10.00 increase per permit sold = \$46,080 aggregate cost per year. \$46,080 per year X the assumed 5 year life of the regulation = \$230,400 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.
The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident firearms any-deer hunting permit from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175), removes the surcharge for certain states, and provides consistency in identifying permitted limits.

To pursue, take, possess and transport *[a]* **one (1)** deer of either sex statewide during the firearms deer hunting seasons. Fee: *[one hundred forty-five dollars (\$145); except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170). These states include: Iowa, Illinois, Kansas and Oklahoma.]* **one hundred seventy-five dollars (\$175).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately three hundred twenty-seven thousand one hundred seventy dollars (\$327,170) in the aggregate per year. This is based on 10,164 nonresident deer permit buyers \times \$30 increase in permits sold = \$304,920 plus 4,450 nonresident deer permit buyers \times \$5 increase in permits sold = \$22,250. \$327,170 per year \times the assumed 5 year life of the regulation = \$1,365,850 total aggregate cost over the 5 year term.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
14,614 nonresident permit buyers	N/A	\$1,365,850

III. WORKSHEET

10,164 nonresident deer permit buyers X \$30.00 increase per permit sold = \$304,920 plus 4,450 nonresident deer permit buyers X \$5 increase per permit sold = \$22,250; total \$327,170 aggregate cost per year. \$327,170 per year X the assumed 5 year life of the regulation = \$1,365,850 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment provides consistency in identifying permitted limits.*

To pursue, take, possess and transport *[an]* one (1) antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit or a Nonresident Managed Deer Hunting Permit is required as a prerequisite to this permit. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment provides consistency in identifying permitted limits.*

To pursue, take, possess and transport *[an]* one (1) antlerless deer during the archery hunting season. A Nonresident Archer's Hunting Permit is required as a prerequisite to this permit. Fee: seven dollars (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective Sept. 30, 2004. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W.

Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment increases the price of the nonresident managed deer hunting permit from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175) and removes the surcharge for certain states.*

To pursue, take, possess and transport deer during a prescribed managed deer hunt. Fee: *[one hundred forty-five dollars (\$145); except that for residents of states bordering Missouri where the total cost for a nonresident to hunt deer is in excess of one hundred twenty-five percent (125%) of Missouri's deer hunting permit cost, the fee for those states' residents hunting in Missouri shall be one hundred seventy dollars (\$170). These states include: Iowa, Illinois, Kansas and Oklahoma.] one hundred seventy-five dollars (\$175).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed Aug. 30, 2001, effective March 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities approximately seven hundred fifty-five dollars (\$755) in the aggregate per year. This is based on 23 nonresident managed deer permit buyers \times \$30 increase in permits sold = \$690 plus 13 nonresident deer permit buyers \times \$5 increase in permits sold = \$65. \$755 per year \times the assumed 5 year life of the regulation = \$3,775 total aggregate cost over the 5 year term.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
36 nonresident permit buyers	N/A	\$3,775

III. WORKSHEET

23 nonresident managed deer permit buyers X \$30.00 increase per permit sold = \$690 plus 13 nonresident deer permit buyers X \$5 increase per permit sold = \$65; total \$755 aggregate cost per year. \$755 per year X the assumed 5 year life of the regulation = \$3,775 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.560 Nonresident Archer's Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident archer's hunting permit from one hundred twenty dollars (\$120) to one hundred fifty dollars (\$150).

To pursue, take, possess and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: *one hundred twenty dollars (\$120)* **one hundred fifty dollars (\$150)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately one hundred thirteen thousand two hundred fifty dollars (\$113,250) in the aggregate per year. This is based on 3,775 nonresident archery permit buyers \times \$30 increase in permits sold. \$113,250 per year \times the assumed 5 year life of the regulation = \$566,250 total aggregate cost over the 5 year term.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.560 Nonresident Archer's Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3,775 nonresident permit buyers	N/A	\$566,250

III. WORKSHEET

3,775 nonresident archery permit buyers X \$30.00 increase per permit sold = \$113,250 aggregate cost per year. \$113,250 per year X the assumed 5 year life of the regulation = \$566,250 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of the nonresident turkey hunting permits—for the spring season from one hundred forty-five dollars (\$145) to one hundred seventy-five dollars (\$175) and for the fall season from ninety-five dollars (\$95) to one hundred five dollars (\$105).

- (1) To pursue, take, possess and transport wild turkey during the prescribed season.
 - (A) Spring Season Permit. Fee: *[one hundred forty-five dollars (\$145)] one hundred seventy-five dollars (\$175).*
 - (B) Fall Season Permit. Fee: *[ninety-five dollars (\$95)] one hundred five dollars (\$105).*

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately two hundred sixty-nine thousand six hundred dollars (\$269,600) in the aggregate per year. This is based on 8,845 nonresident spring turkey hunters \times \$30 increase in permits sold = \$265,350 plus 425 nonresident fall turkey hunters \times \$10 increase in permits sold = \$4,250. \$269,600 per year \times the assumed 5 year life of the regulation = \$1,348,000 total aggregate cost over the 5 year term.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5 – Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.565 Nonresident Turkey Hunting Permits

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
9,270 nonresident hunters	N/A	\$1,348,000

III. WORKSHEET

8,845 nonresident spring turkey hunters X \$30.00 increase per permit sold = \$265,350 aggregate cost per year plus 425 nonresident fall turkey hunters X \$10 increase per permit sold = \$4,250; total \$269,600 aggregate cost per year. \$269,600 per year X the assumed 5 year life of the regulation = \$1,348,000 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment increases the price of nonresident furbearer hunting and trapping permit from eighty dollars (\$80) to one hundred twenty dollars (\$120).

To chase, pursue, take, possess, transport and sell furbearers. Fee: ~~eighty dollars (\$80)~~ one hundred twenty dollars (\$120).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately six thousand forty dollars (\$6,040) in the aggregate per year. This is based on 151 nonresident furbearer hunting and trapping permit buyers \times \$40 increase in permits sold. \$6,040 per year \times the assumed 5 year life of the regulation = \$30,200 total aggregate cost over the 5 year term.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 - Conservation Commission
Chapter: 5- Wildlife Code: Permits
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
151 nonresident permit buyers	N/A	\$30,200

III. WORKSHEET

151 nonresident furbearer hunting and trapping permit buyers X \$40.00 increase per permit sold = \$6,040 aggregate cost per year. \$6,040 per year X the assumed 5 year life of the regulation = \$30,200 total aggregate cost over the 5 year term.

IV. ASSUMPTIONS

Number of permit buyers is based on historic sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment provides consistency in identifying permitted limits.*

To pursue, take, possess and transport *[a]* **one (1)** deer of either sex from qualifying land statewide during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: seventy-five dollars (\$75).

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The commission proposes to amend subsection (2)(D).

PURPOSE: *This amendment corrects the spelling of the word gaging.*

(2) Permits Required.

(D) Any person possessing a valid sport fishing license issued by the state of Kentucky, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi River within the boundary of Missouri adjacent to the state of Kentucky. For the purposes of these reciprocal fishing privileges, the river is defined as the main channel and immediate side or secondary channels or chutes. It does not include oxbow or floodplain lakes, or backwaters that extend onto the floodplain or up tributaries when the Mississippi River level exceeds thirty-three feet (33') at the Cairo, Illinois *[gauging]* **gaging** station.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The commission proposes to amend sections (1), (6) and (7) of this rule.

PURPOSE: *This amendment updates methods for fishing that are consistent with current practices and clarifies methods allowed for taking species covered in this chapter other than fish.*

(1) Fish may be taken by the use of pole and line, trotline, throwline, limb line, bank line, jug line, gig, longbow, crossbow, underwater spearfishing, snagging, snaring*,/* or grabbing *[and falconry]*, but only as specifically authorized in 3 CSR 10-6.415 through *[3 CSR 10-6.620]* **3 CSR 10-6.550**. No person may attempt to take fish by rock or hand fishing, with or without hook except as specifically authorized in 3 CSR 10-6.511. Live bait, mussels, clams, bullfrogs, green frogs, common snapping turtles and soft-shelled turtles may be taken only as specifically authorized in 3 CSR 10-6.605 through **3 CSR 10-6.620**.

(6) Fish not hooked in the mouth or jaw, except those legally taken by snagging, snaring, grabbing, gig, longbow, crossbow*,/* or underwater spearfishing *[or falconry]* must be returned to the water unharmed immediately.

(7) Fish legally taken by snagging, snaring, grabbing, gig, longbow, crossbow*,/* or underwater spearfishing *[or falconry]* shall be retained by the taker and included in the prescribed daily limit.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend sections (1), (2) and (4).

PURPOSE: *This amendment establishes a fifteen-inch (15") minimum length limit and a daily limit of one (1) smallmouth bass in Joachim Creek and updates methods for fishing that are consistent with current practices.*

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass and all black bass hybrids, except:

(A) The daily limit may include no more than one (1) smallmouth bass on the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, the Gasconade River from the Highway Y bridge (Pulaski County) to the Highway D bridge (Phelps County), the Jacks Fork River from the Highway 17 bridge to the Highway 106 bridge, the James River from the Hooten Town bridge (Stone County Road A-90) to the Highway 13 bridge, **Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County)**, Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, including Pools 20-26 on the Mississippi River, except as follows: /—

1. On the Meramec, Big and Bourbeuse rivers and their tributaries, there is no length limit on spotted (Kentucky) bass.

2. On the Big Piney River from Slabtown Access to Ross Access, the Eleven Point River from Thomasville Access to the Arkansas line, **Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County)**, the Meramec River from Scott's Ford to the railroad crossing at Bird's Nest, the Big River from Leadwood Access to its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, Osage Fork of the Gasconade River from Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (Stone County Road A-90) to Highway 13 bridge, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

5. On the Elk River, all black bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish. The commission proposes to amend section (2).

PURPOSE: *This amendment updates methods for fishing that are consistent with current practices.*

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.515 Crappie. The commission proposes to amend section (2).

PURPOSE: *This amendment updates methods for fishing that are consistent with current practices.*

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.520 **Muskellunge, Northern Pike, Grass Pickerel, Chain Pickerel.** The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. Amended: Filed May 30, 1995, effective Jan. 1, 1996. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.525 **Paddlefish.** The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, snagging, grabbing, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.530 **Rock Bass (goggle-eye) and Warmouth.** The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.533 **Shovelnose Sturgeon.** The commission proposes to amend subsections (2)(A) and (B).

PURPOSE: This amendment removes snagging, snaring or grabbing as methods permitted for taking shovelnose sturgeon and updates methods for fishing that are consistent with current practices.

(2) Methods and Seasons.

(A) Shovelnose sturgeon may be taken by pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*] throughout the year.

[(B) Shovelnose sturgeon may be taken by snagging, snaring or grabbing from March 15 through May 15 and from September 15 through January 31, except:

1. In the Osage River downstream from U.S. Highway 54 to its confluence with the Missouri River and in the impounded waters of Lake of the Ozarks and Truman Lake, shovelnose sturgeon may be taken by these methods only from March 15 through April 30.

2. In the Mississippi River, shovelnose sturgeon may be taken by these methods from March 15 through May 15 and from September 15 through December 15.

3. On Lake of the Ozarks and its tributaries, Osage River below U.S. Highway 54 and Truman Lake and its tributaries, no person shall continue to snag, snare or grab for any species after taking a daily limit of two (2) paddlefish.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 30, 2003, effective July 1, 2004. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The commission proposes to amend sections (2) and (5).

PURPOSE: This amendment removes the trout permit as a requirement for catch-and-release trout fishing in Stone Mill Spring Branch and updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*], except as further restricted in this rule.

(5) Permits: A trout permit, in addition to the prescribed fishing permit, is required to possess and transport trout except in areas where a daily fishing tag is required. A trout permit is required in addition to the prescribed fishing permit for fishing at:

[(C) Stone Mill Spring Branch in Pulaski County.]

[(D)] (C) Lake Taneycomo from the closed fishing zone seven hundred sixty feet (760') below Table Rock Dam downstream to the Highway 65 bridge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.540 Walleye and Sauger. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass. The commission proposes to amend section (2).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices.

(2) Methods: Pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The commission proposes to amend section (1) and subsections (2)(A), (D) and (F).

PURPOSE: This amendment updates methods for fishing that are consistent with current practices and allows the *atlatl* as a legal method for taking other fish.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish, is fifty (50) in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, jug line or underwater spearfishing. The daily limit if taken by gig, *atlatl*, longbow, crossbow, snaring, snagging[,] or grabbing [*and falconry*] is twenty (20), in the aggregate. Bighead carp, common carp, goldfish, grass carp and silver carp may be taken and possessed in any number.

(2) Methods and Seasons.

(A) Fish included in this rule may be taken by pole and line, trotline, throwline, limb line, bank line[,] or jug line [*and falconry*] throughout the year.

(D) Fish included in this rule may be taken by gig or *atlatl* from streams and impoundments between sunrise and midnight from September 15 through January 31, and from impounded waters between sunrise and sunset throughout the remainder of the year.

(F) Fish included in this rule may be taken from waters existing temporarily through overflow outside the banks of a river or ditch by gig, *atlatl*, underwater spearfishing, longbow, crossbow, snagging or grabbing between sunrise and sunset throughout the year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.605 Live Bait. The commission proposes to amend section (2) and add a new section (6).

PURPOSE: This amendment changes terminology in the rule to maintain consistency and prohibits the use of bighead carp and silver carp as live bait.

(2) Methods.

(A) Live bait may be taken by a [*minnow*] trap with throat opening not to exceed one and one-half inches (1 1/2") in any dimension, dip net, throw net, pole and line, or a seine not more than twenty feet (20') long and four feet (4') deep, of a mesh not more than one-half inch (1/2") bar measure.

(6) **Bighead carp and silver carp may not be used as live bait but may be used as dead or cut bait.**

[(6)] (7) Live bait, as defined in this code, obtained from waters of the state, may not be transported from the state or sold.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to amend subsections (1)(J), (L) and (O) and add new subsections (1)(P) and (S).

PURPOSE: This amendment establishes a process for persons with disabilities; provides more specific information regarding the use of electronic calls for hunting; prohibits the use or possession of electronic calls except as authorized in another rule; allows the use of the atlatl with dart as a hunting method for small game; and prohibits the use of poisons or tranquilizing drugs to hunt, pursue or take wildlife.

(1) Wildlife may be hunted and taken only in accordance with the following:

(J) **Slingshot and atlatl.** Slingshots and atlatls may be used to take wildlife (except deer and turkey) during the prescribed hunting seasons. Darts containing any drug, poison, chemical or explosive are prohibited.

(L) **Electronic Calls.** Electronic calls may be used to pursue and take crows and furbearers, but without the aid of an artificial light or night vision equipment. Electronic calls or electronically activated calls may not be used or possessed while hunting other species of wildlife except as specifically authorized.

(O) Any properly licensed person *[having a physical disability that would prevent them from hunting or taking wildlife by methods prescribed in this chapter]* with disabilities, as defined in this Code, may *[attempt to]* hunt and take wildlife from a stationary vehicle, *[or may hunt wildlife with a crossbow in lieu of a longbow,]* provided while hunting s/he carries *[an affidavit]* a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt *[with a crossbow and/or]* from a stationary vehicle. This disabled person shall provide a copy of the signed *[affidavit]* physician's statement to the department within ten (10) days of receiving the exemption.

(P) Any properly licensed person having a physical disability that would prevent them from hunting or taking wildlife by archery methods prescribed in this chapter, may hunt wildlife with a crossbow in lieu of a longbow, provided while hunting s/he carries a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt with a crossbow.

[(P)] (Q) **Hunter Orange.** During the urban counties, youth, November, and antlerless portions of the firearms deer hunting season, all hunters shall wear a cap or hat, and a shirt, vest or coat having the outermost color commonly known as hunter orange which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to migratory game bird hunters, to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited, to hunters on federal or state public hunting areas where deer hunting is restricted to archery methods, or to hunters in closed counties during the antlerless portion of the firearms deer hunting season.

[(Q)] (R) **Computer-Assisted Remote Hunting.** Except as otherwise permitted in this Code, wildlife may be taken only in the immediate physical presence of the taker and may not be taken by use of computer-assisted remote hunting devices.

(S) **Wildlife may not be hunted, pursued or taken with the use of poisons or tranquilizing drugs.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission

Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.415 Quail: Seasons, Limits. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment creates a special youth-only season for hunting quail.

(1) Quail may be taken from November 1 through January 15. Daily limit: eight (8) quail; possession limit: sixteen (16) quail.

(2) Youth at least six (6) but not older than fifteen (15) years of age may take quail during the last full weekend of October. Daily limit: eight (8) quail; possession limit: sixteen (16) quail.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1973, effective Oct. 15, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission

Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.430 Pheasants: Seasons, Limits. The commission proposes to add a new section (2) and renumber subsequent sections.

PURPOSE: This amendment creates a special youth-only season for hunting pheasants.

(2) Youth at least six (6) but not older than fifteen (15) years of age may take male pheasants during the last full weekend of October north of Interstate 70, and also in that portion of St. Charles County lying south of Interstate 70. Daily limit: two (2) male pheasants; possession limit: four (4) male pheasants.

[(2)](3) Male pheasants may be taken from December 1 through December 12 in Dunklin, New Madrid, Pemiscot and Stoddard

counties. Daily limit: one (1) male pheasant; possession limit: one (1) male pheasant.

[(3)](4) A foot or the fully feathered head must be left attached to all pheasants during transportation and storage.

[(4)](5) No pheasants may be in the immediate possession of persons while hunting other wildlife in counties or portions of counties closed to pheasant hunting.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 25, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The commission proposes to amend section (1).

PURPOSE: This amendment shortens the furbearer hunting season by moving the closing date from February 15 back to January 31, and changes the dates of possession of pelts and the last date for registering and/or tagging of bobcat or their pelts from March 1 to February 15.

(1) Badger, bobcat, gray fox, opossum, raccoon, red fox, and striped skunk may be taken in any numbers by hunting from November 15 through *[February 15/ January 31]*. Pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 15 through *[March 1] February 15*, (except as provided in 3 CSR 10-10.711), except that bobcats or their pelts shall be delivered by the taker to an agent of the department for registration or tagging before selling, transferring, tanning or mounting, but not later than *[March 1] February 15*. Furbearers may be purchased and sold only under provisions of this rule, Chapter 10, and 3 CSR 10-4.135. No person shall accept payment for furbearers taken by another.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend section (2) and subsection (4)(B).

PURPOSE: This amendment makes two editorial changes.

(2) Traps, snares and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address. Wildlife held in traps, snares or cable restraint devices may be killed or removed only by the user. Conibear or other killing-type traps set under water and colony traps set under water shall be attended and wildlife removed at least once every forty-eight (48) hours. All other traps, snares and cable restraint devices must be attended daily and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals and Conibear or other killing-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any *[resident]* residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

(4) Use of Snares and Cable Restraint Devices:

(B) Furbearers may be taken by trapping through the use of cable restraint devices during specified seasons (3 CSR 10-8.515) by holders of a Cable Restraint Permit, after completing the cable restraint training course. Cable restraint devices (as defined in 3 CSR 10-20.805) must have a loop size of twelve inches (12") in diameter or smaller when set, and the bottom of set restraint cable loop must be at least six inches (6") or greater above the ground. Cable restraint devices must be anchored solid or staked in a location not allowing entanglement (such as rooted, woody vegetation greater than one-half inch (1/2") in diameter), and shall not be capable of extending to within twelve inches (12") of a fence, nor shall be set using a drag, or used with a kill-pole. Cable restraint devices may not be used within one hundred fifty feet (150') of any residence, occupied building, or a driveway leading to a residence.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods

PROPOSED AMENDMENT

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to amend sections (1), (3), (4), (5), (7) and (8) and subsections (2)(A) and (C).

PURPOSE: This amendment shortens the general furbearer trapping season by moving the closing date from February 15 back to January 31. It also changes the dates of possession of pelts and the last date for registering and/or tagging of bobcats and otters or their pelts from March 1 to February 15, except for otters taken in Otter Management Zone E, to not later than March 4.

(1) Badger, bobcat, coyote, gray fox, mink, opossum, raccoon, red fox, and striped skunk may be taken in any numbers by trapping from November 15 through *[February 15/January 31]*. Beaver and nutria may be taken in any number by trapping from November 15 through March 31. Traps may not be placed or set before November 15 and must be removed by midnight of the last day of the applicable trapping season.

(2) Otters and muskrats may be taken by trapping during specified seasons and in specified limits described below:

(A) A season limit of five (5) otters, and muskrats in any numbers may be taken from November 15 through *[February 15/January 31]* in Otter Management Zones A, C, and D, described as:

1. Otter Management Zone A—That portion of northwest Missouri from the Iowa border and west of a line running south on Worth County Hwy. F to Mo. Hwy. 46; south on Mo. Hwy. 46 to U.S. Hwy. 136; south on U.S. Hwy. 136 to U.S. Hwy. 169; south on U.S. Hwy. 169 to Mo. Hwy. 31; south on Mo. Hwy. 31 to U.S. Hwy. 36; east on U.S. Hwy. 36 to U.S. Hwy. 69; south on U.S. Hwy. 69 to Mo. Hwy. 10; east on Mo. Hwy. 10 to Mo. Hwy. 13; south on Mo. Hwy. 13 to Interstate Hwy. 70; west on Interstate Hwy. 70 to Mo. Hwy. 131; south on Mo. Hwy. 131 to Mo. Hwy. 2; west on Mo. Hwy. 2 to the Kansas line.

2. Otter Management Zone C—That portion of eastern Missouri east and south of a line running west from the Illinois border on Interstate Hwy. 270 to Interstate Hwy. 44; west on Interstate Hwy. 44 to Mo. Hwy. 68; south on Mo. Hwy. 68 to Mo. Hwy. 32; and north of a line comprised of Mo. Hwy. 32 east to St. Francois County Hwy. OO; south on St. Francois County Hwy. OO to St. Francois County Hwy. T; east on St. Francois County Hwy. T to Mo. Hwy. 51; and west of Mo. Hwy. 51 to the Illinois line.

3. Otter Management Zone D—That portion of southwest Missouri west and south of a line running north from the Arkansas border on Mo. Hwy. 37 to U.S. Hwy. 60; east on U.S. Hwy. 60 to Mo. Hwy. 39; north on Mo. Hwy. 39 to U.S. Hwy. 160; west on U.S. Hwy. 160 to the Kansas line.

(C) A season limit of twenty (20) otters and muskrats in any numbers may be taken from November 15 through *[February 15/January 31]* in Otter Management Zone B, described as:

1. Otter Management Zone B—The remainder of the state not in Otter Management Zone A, C, D, or E, as described above.

(3) Except in Otter Management Zone E, Conibear or other killing-type traps with a jaw spread less than eight inches (8") and foot-hold

traps with an inside width at the jaw post less than six inches (6") are prohibited in water sets after *[February 15/January 31]*. In Otter Management Zone E, Conibear or other killing-type traps with a jaw spread less than eight inches (8") and foot-hold traps with an inside width at the jaw post less than six inches (6") are prohibited for trapping beavers after February 20.

(4) Except as provided in 3 CSR 10-10.711, pelts of furbearers may be possessed, transported, consigned for processing and sold only by the taker from November 15 through *[March 1/February 15]*, pelts of beaver may be possessed, transported, consigned for processing and sold by the taker from November 15 through April 10, and tagged bobcats and otters or their pelts may be possessed and sold throughout the year. Bobcats or their pelts shall be delivered by the taker to an agent of the department for registration or tagging; otters shall be delivered by the taker to an agent of the department only in the Otter Management Zone of harvest for registration or tagging. Bobcats and otters shall be registered or tagged before selling, transferring, tanning or mounting not later than *[March 1/February 15]*, except for otters taken in Otter Management Zone E, not later than March 4. It shall be illegal to purchase or sell untagged bobcats and otters or their pelts. Other pelts may be delivered or shipped and consigned by the taker to a licensed taxidermist or tanner before the close of the possession season for pelts. These pelts must be recorded by the taxidermist or tanner and shall not enter the raw fur market. After tanning, pelts may be possessed, bought or sold without permit. Skinned carcasses of legally taken furbearers may be sold by the taker throughout the year. (Certain Department of Health and Senior Services rules also govern how furbearer carcasses might be utilized.)

(5) Rabbits may be taken by trap from November 15 through *[February 15/January 31]* within prescribed hunting limits, but carcasses may not be sold.

(7) Red fox, gray fox and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator's Permit. Live coyotes, red fox and gray fox may not be possessed after *[March 1/February 15]*. These animals may be held for no longer than seventy-two (72) hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, and after approval by an agent of the department. Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer and name and permit number of the hound running area operator/dealer receiving each individual animal. These records shall be kept on forms provided by the department and submitted to an agent of the department by April 15. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

(8) Furbearers may be taken by trapping through the use of cable restraint devices from December 15 through *[February 15/January 31]*, by holders of a Cable Restraint Permit. This permit may be issued only to the holder of a Resident Trapping Permit who has successfully completed a cable restraint training course, validated by a certified instructor. Cable restraint devices must be used according to 3 CSR 10-8.510.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.105 General Provisions. The commission proposes to amend section (2).

PURPOSE: This amendment adds all other exotic partridges, in addition to chukars, to the list of species authorized for use in field trials.

(2) Confined wildlife held under permit within the provision of this Chapter shall include only those species listed on the following Approved Confined Wildlife Species List:

Approved Confined Wildlife Species List

Species Code No.	Common Name	Scientific Name
Class I Wildlife Breeders		
Game Birds		
	Grouse, Blue	<i>Dendragapus obscurus</i>
	Grouse, Greater Sage-	<i>Centrocercus urophasianus</i>
	Grouse, Gunnison Sage-	<i>Centrocercus minimus</i>
	Grouse, Ruffed	<i>Bonasa umbellus</i>
	Grouse, Sharp-tailed	<i>Tympanuchus phasianellus</i>
	Grouse, Spruce	<i>Falcipennis canadensis</i>
	Partridge, Gray	<i>Perdix perdix</i>
	Pheasant, Ring-necked (all subspecies)	<i>Phasianus colchicus</i>
	Ptarmigan, Rock	<i>Lagopus mutus</i>
	Ptarmigan, White-tailed	<i>Lagopus leucurus</i>
	Ptarmigan, Willow	<i>Lagopus lagopus</i>
	Quail, Bobwhite (all subspecies)	<i>Colinus virginianus</i>
	Quail, California	<i>Callipepla californica</i>
	Quail, Gamble's	<i>Callipepla gambelii</i>
	Quail, Mountain	<i>Oreortyx pictus</i>
	Quail, Scaled	<i>Callipepla squamata</i>
	Turkey, Wild (all subspecies)	<i>Melagris gallopava</i>
Mammals		
	Armadillo, Nine-banded	<i>Dasypus novemcinctus</i>
	Badger	<i>Taxidea taxus</i>
	Beaver	<i>Castor canadensis</i>
	Bobcat	<i>Lynx rufus</i>
	Chipmunk, Eastern	<i>Tamias striatus</i>
	Coyote	<i>Canis latrans</i>
	Deer, Mule	<i>Odocoileus hemionus</i>
	Deer, White-tailed	<i>Odocoileus virginianus</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>
	Fox, Red	<i>Vulpes vulpes</i>
	Groundhog (Woodchuck)	<i>Marmota monax</i>
	Mink	<i>Mustela vison</i>
	Muskrat	<i>Ondatra zibethicus</i>
	Opossum	<i>Didelphis virginiana</i>
	Otter, River	<i>Lontra canadensis</i>
	Rabbit, Eastern Cottontail	<i>Sylvilagus floridanus</i>
	Rabbit, Swamp	<i>Sylvilagus aquaticus</i>
	Raccoon	<i>Procyon lotor</i>
	Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
	Squirrel, Fox	<i>Sciurus niger</i>
	Squirrel, Franklin's Ground	<i>Spermophilus franklinii</i>
	Squirrel, Thirteen-lined Ground	<i>Spermophilus tridecemlineatus</i>
	Squirrel, Southern Flying	<i>Glaucomys volans</i>
	Weasel, Least	<i>Mustela nivalis</i>
	Weasel, Long-tailed	<i>Mustela frenata</i>
Amphibians		
Salamanders		
	Newt, Central	<i>Notophthalmus viridescens</i>
	Salamander, Tiger	<i>Ambystoma tigrinum</i>
Frogs and Toads		
	Bullfrog	<i>Rana catesbeiana</i>
	Frog, Green (Bronze)	<i>Rana clamitans</i>
	Frog, Southern Leopard	<i>Rana sphenocephala</i>
	Toad, American	<i>Bufo americanus</i>
	Treefrog, Eastern (Cope's) Gray	<i>Hyla versicolor/chrysoscelis</i>
	Treefrog, Green	<i>Hyla cinerea</i>
Reptiles		
Turtles		
	Cooter, River	<i>Pseudemys concinna</i>
	Slider, Red-eared	<i>Trachemys scripta elegans</i>
	Softshell, Smooth	<i>Apalone mutica</i>

Species Code No.	Common Name	Scientific Name
	Softshell, Spiny	<i>Apalone spinifera</i>
	Turtle, Ornate Box	<i>Terrapene ornata</i>
	Turtle, Alligator Snapping	<i>Macrochelys temminckii</i>
	Turtle, Common Map	<i>Graptemys geographica</i>
	Turtle, Common Musk (Stinkpot)	<i>Sternotherus odoratus</i>
	Turtle, Common Snapping	<i>Chelydra serpentine</i>
	Turtle, Mississippi Mud	<i>Kinosternon subrubrum</i>
	Turtle, Southern Painted	<i>Chrysemys picta dorsalis</i>
	Turtle, Three-toed Box	<i>Terrapene carolina triunguis</i>
	Turtle, Western Painted	<i>Chrysemys picta belli</i>
Lizards		
	Lizard, Eastern Collared	<i>Crotaphytus collaris</i>
	Lizard, Prairie (Fence)	<i>Sceloporus consobrinus (undulatus)</i>
	Lizard, Slender Glass	<i>Ophisaurus attenuatus</i>
	Lizard, Texas Horned	<i>Phrynosoma cornutum</i>
	Skink, Five-lined	<i>Eumeces fasciatus</i>
Snakes		
	Bullsnake	<i>Pituophis catenifer sayi</i>
	Kingsnake, Prairie	<i>Lampropeltis calligaster</i>
	Kingsnake, Speckled	<i>Lampropeltis getula holbrooki</i>
	Snake, Black Rat	<i>Elaphe obsoleta obsoleta</i>
	Snake, Eastern Garter	<i>Thamnophis sirtalis sirtalis</i>
	Snake, Eastern Hog-nosed	<i>Heterodon platirhinos</i>
	Snake, Great Plains Rat	<i>Elaphe guttata emoryi</i>
	Snake, Red Milk	<i>Lampropeltis triangulum syspila</i>
	Snake, Red-sided Garter	<i>Thamnophis sirtalis parietalis</i>
	Snake, Western Hog-nosed (Dusty and Plains)	<i>Heterodon nasicus</i>
Class II Wildlife Breeders		
	Bear, Black (& hybrids)	<i>Ursus americanus</i>
	Copperhead	<i>Agkistrodon contortrix</i>
	Cottonmouth	<i>Agkistrodon piscivorus</i>
	Lion, Mountain (& hybrids)	<i>Puma concolor</i>
	Rattlesnake, Pygmy	<i>Sistrurus miliaris</i>
	Rattlesnake, Timber (Canebrake)	<i>Crotalus horridus</i>
	Wolf, Gray (& hybrids)	<i>Canis lupus</i>
Game Bird Hunting Preserves		
	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	
Big Game Hunting Preserves		
	Antelope, Pronghorn	<i>Antilocapra americana</i>
	Boar, Wild (including feral hogs, razorback hogs, European boars and other pig species)	
	Caribou (Reindeer)	
	Deer, Fallow	<i>Rangifer tarandus</i>
	Deer, Mule	<i>Dama dama</i>
	Deer, Red	<i>Odocoileus hemionus</i>
	Deer, Sika	<i>Cervus species</i>
	Deer, White-tailed	<i>Cervus nippon</i>
	Elk	<i>Odocoileus virginianus</i>
	Goat, Mountain	<i>Cervus elaphus</i>
	Moose	<i>Oreamnos americanus</i>
	Sheep, Bighorn	<i>Alces alces</i>
	Sheep, Dall	<i>Ovis canadensis</i>
	Ungulates (other species)	<i>Ovis dalli</i>
		deer, antelope deer, goats, sheep, etc.
Wildlife Hobby		
	Badger	<i>Taxidea taxus</i>
	Beaver	<i>Castor canadensis</i>
	Bobcat	<i>Lynx rufus</i>
	Coyote	<i>Canis latrans</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>

Species Code No.	Common Name	Scientific Name
	Fox, Red	<i>Vulpes vulpes</i>
	Groundhog (Woodchuck)	<i>Marmota monax</i>
	Mink	<i>Mustela vison</i>
	Muskrat	<i>Ondatra zibethicus</i>
	Opossum	<i>Didelphis virginiana</i>
	Otter, River	<i>Lontra canadensis</i>
	Pheasant, Ring-necked (all subspecies)	<i>Phasianus colchicus</i>
	Quail, Bobwhite (all subspecies)	<i>Colinus virginianus</i>
	Rabbit, Eastern Cottontail	<i>Sylvilagus floridanus</i>
	Rabbit, Swamp	<i>Sylvilagus aquaticus</i>
	Raccoon	<i>Procyon lotor</i>
	Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
	Squirrel, Fox	<i>Sciurus niger</i>
	Weasel, Least	<i>Mustela nivalis</i>
	Weasel, Long-tailed	<i>Mustela frenata</i>
Wildlife Collector's Permit	Species and numbers of each are limited to those specified on the permit.	
Resident Falconry Permit	Birds of prey as permitted under 3 CSR 10-9.422.	
Hound Running Area Operator and Dealer Permit		
	Coyote	<i>Canis latrans</i>
	Fox, Gray	<i>Urocyon cinereoargenteus</i>
	Fox, Red	<i>Vulpes vulpes</i>
Field Trial Permit		
	<i>[Chukars]</i>	<i>[Alectoris graeca]</i>
	Ducks, Mallard	<i>Anas platyrhynchos</i>
	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	
Dog Training Area Permit		
	Partridges, Exotic (all species)	
	Pheasants (all species)	
	Quail (all species)	

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 1, 1994. Amended: Filed April 25, 1996, effective March 1, 1997. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend paragraph (3)(D)1.

PURPOSE: *This amendment prohibits the use of bighead carp and silver carp as live bait.*

(3) Fish, tiger salamander larvae and crayfish may be bought, sold, transported, propagated, taken and possessed by any person without permit throughout the year in any number or size and by any method providing—

(D) That the privileges of this section do not apply to taking or possession in, or from waters of the state, waters stocked by the state, or water subject to movement of fishes into and from waters of the state, except:

1. Animals defined as live bait and possessed under provisions of this section may be possessed on the waters of the state for use as live bait **except that bighead carp and silver carp may not be used as live bait but may be used as dead or cut bait.**

2. Fish cultured by a commercial fish producer that remain in a man-made impoundment following inundation by flooding from waters of the state as defined in this Code shall be considered the property of the impoundment owner; provided the remaining fish species are the same as were present in the impoundment prior to inundation. Any other fish species in the impoundment shall be considered the property of the state and not available for sale, and shall be returned unharmed immediately to the waters of the state when harvested.

3. With the written authorization of the director, a privately owned impoundment that is entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and that is designated as waters of the state, may be used for the commercial production of species listed in the Approved Aquatic Species List in 3 CSR 10-9.110(3)(F) that were not stocked by the department, provided that:

A. The impoundment owner has in his/her possession a dated, written statement showing the number or weight of each species stocked as proof that such animals were legally obtained from other than waters of the state or from a licensed commercial fisherman.

B. The species being produced may be harvested by the methods and under the conditions specified in the director's written authorization. All other species caught during culture activities must be returned unharmed immediately to the water.

C. Statewide seasons, methods and limits apply for all other species.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.220 Wildlife Confinement Standards. The commission proposes to amend Appendix A.

PURPOSE: *This amendment provides clarification of requirements for enclosure of cage flooring.*

APPENDIX A

CAGE, PEN OR OTHER ENCLOSURE STANDARDS FOR CLASS II WILDLIFE
3 CSR 10-9.220 (3) /Revised 06/24/96, 03/01/03, 03/01/07/

Species	Enclosure Space (sq. ft.)	Space per Each Additional Animal	Enclosure Height (feet)	Cage Material
Black Bear or hybrids	150	50% larger	8(w/top) or 10(w/o top - 12 after 3/03)	Not smaller than 9 gauge steel chain link; top required for 8-foot enclosure; 3-foot lean-in on top of fence acceptable for 10-foot enclosure. (For enclosures constructed after 3-1-03, height (without top) must be 12 feet with 3-foot lean-in top; two strands of hot wire (8000-10000 volt) on fence, one strand on lean-in, one strand along bottom or middle of fence; 4-inch concrete floor or non-rust 9 gauge chain link buried 2 feet and angled underground toward enclosure interior if J , or for pens anchored flush with ground, 3-foot interior dig-out panel required at ground surface.)
Mountain Lion or hybrids	200	50% larger	8	Not smaller than 11 gauge steel chain link; top required.
Wolf or hybrids	200	50% larger	6	Not smaller than 9 gauge steel chain link; 4 inch concrete floor or non-rust 9 gauge chain link buried 2 feet and angled underground toward enclosure interior if J , or for pens anchored flush with ground, 3-foot interior dig-out panel required at ground surface; top required, except 8-foot fence with 3-foot lean-in acceptable for wolves.
Venomous Snakes	(Perimeter must be 1 1/2 times length of longest snake)	25% larger		When on public display outside approved confinement facility, any side of exhibit cage exposed to the public shall have a double glass or escape-proof double mesh barrier designed to prevent contact between venomous reptile and the public.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.351 Class II Wildlife Breeder Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment makes an editorial change.

To exercise the privileges of **both** a Class I and Class II wildlife breeder. Fee: two hundred fifty dollars (\$250).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 9, 1993, effective Jan. 31, 1994. Amended: Filed May 9, 2002, effective March 1, 2003. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED RESCISSON

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders. This rule established privileges and requirements for wildlife breeders.

PURPOSE: This rule is being rescinded and readopted to provide better organization and clarification.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed Oct. 2, 2006.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED RULE

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders

PURPOSE: This rule establishes privileges and requirements for wildlife breeders. It has been reorganized from an older version to provide better organization and understanding; to establish the requirement for possession of birds to participate in the National Poultry Improvement Plan; and to clarify that migratory waterfowl may be reared and held in captivity as provided in federal regulations but that such waterfowl may only be hunted as provided in 3 CSR 10-9.625 of this Code.

(1) Class I and Class II wildlife as defined in 3 CSR 10-9.230 and 3 CSR 10-9.240, may be exhibited, propagated, reared or held in captivity by the holder of the appropriate Class I or Class II wildlife breeder permit at a specific location indicated on the permit. Applicants for a Class II permit must qualify by passing with a score of at least eighty percent (80%) on a written examination provided by the department.

(2) Such wildlife may be used, sold, given away, transported or shipped; provided, that state and federally-designated endangered species may not be sold without the written approval of the director; that skunks may not be imported, bought, sold, transported, given away or otherwise disposed of; that live raccoons, foxes and coyotes may not be imported; and that wildlife may be sold or given away only to the holder of the appropriate permit, where required, except as provided in section (9) of this rule.

(3) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state and as provided in section (11) of this rule; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise. Permittees holding birds must be participants, in good standing, of the National Poultry Improvement Plan.

(4) Cities, towns and counties may establish ordinances further restricting or prohibiting ownership of Class II wildlife, with approval of the department. In instances where prohibitions apply,

no permit will be issued by the department. Persons possessing Class II wildlife must comply with all requirements of section 578.023, RSMo.

(5) No Class I or Class II wildlife breeder permit is required for wildlife legally held by circuses, publicly owned zoos, American Zoo and Aquarium Association (AZA) accredited not-for-profit facilities or bona fide research facilities; however, those wildlife may not be held for personal use. Physical contact between humans and Class I and Class II wildlife in circuses must be restricted to the handlers, performers or other circus employees.

(6) No Class I or Class II wildlife breeder permit is required for non-residents possessing a valid permit issued in another state to exhibit legally possessed wildlife at special events, not to exceed seven (7) consecutive days; provided that:

(A) Notification is made to an agent of the department prior to entry of wildlife into the state.

(B) Exhibited wildlife may not be sold, offered for sale, or given away.

(C) All other provisions of this chapter shall apply, including mobile temporary exhibit confinement standards as specified in 3 CSR 10-9.220.

(7) No state permit shall be required of individuals holding migratory waterfowl under valid federal authorization; except that migratory waterfowl held in captivity may be hunted only as provided in 3 CSR 10-9.625 of this Code.

(8) No state permit shall be required for the propagation, sale or display of birds of prey by persons holding a valid federal permit; provided that these birds may be used to take or attempt to take wildlife only by persons holding a valid falconry permit.

(9) Wildlife, except skunks, foxes, coyotes and raccoons may be shipped, transported or consigned to a wildlife breeder by nonresidents without a Missouri wildlife breeder permit, but that wildlife shall be accompanied by appropriate permit or other proof of legality in the state of origin. Persons purchasing wildlife at consignment sales shall obtain a wildlife hobby or appropriate wildlife breeder permit prior to the purchase, except nonresidents may possess and transport purchased wildlife without permit for forty-eight (48) hours following close of the sale.

(10) Notification of the date and place of any public sale of consigned wildlife shall be provided the conservation agent of the county in which the sale will be held not less than thirty (30) days prior to the sale.

(11) All elk, elk-hybrids, mule deer, and white-tailed deer, defined as Class I wildlife in 3 CSR 10-9.230, introduced into a Class I wildlife breeder operation shall meet the following requirements:

(A) Animals shall be tagged or marked in a method allowing each individual animal to be uniquely identified.

(B) Animals imported into Missouri must come from a herd that is enrolled and has achieved a status two (2) or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—two (2) years of surveillance, advancement, and successful completion of program requirements.

(C) Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program.

(12) Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer, defined as Class I wildlife in 3 CSR 10-9.230, over twelve (12) months of age that die of any cause within a Class I wildlife breeder operation, shall

be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

(A) No testing is required for Class I wildlife breeder operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having a status less than three (3) as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

(B) No testing is required for elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's chronic wasting disease monitoring program as from a status five (5) herd—five (5) years of surveillance, advancement, and successful completion of program requirements.

(C) One hundred percent (100%) of all elk, elk-hybrids, mule deer and white-tailed deer that are imported into Missouri that are from a herd having a status less than three (3) as documented through a United States Department of Agriculture or state-sponsored chronic wasting disease monitoring program that die of any cause within a Class I wildlife breeder operation shall be tested for chronic wasting disease at a federally approved laboratory.

(13) All permits issued by the state veterinarian's office allowing cervids to enter Missouri and all chronic wasting disease test results must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time. All test results documenting a positive case of chronic wasting disease shall be reported immediately to an agent of the department.

(14) The holder of a Class I or Class II wildlife breeder permit may exhibit wildlife at locations other than those listed on the permit.

(15) Any sale, shipment or gift of wildlife by a Class I or Class II wildlife breeder shall be accompanied by a written statement giving his/her permit number and showing the number of each species and the name and address of the recipient. No wildlife of any kind may be liberated unless specific permission has been granted on written application to the conservation agent in the district where the release is to be made.

(16) None of these privileges shall extend to permitting the act of hunting for such stock except that big game mammals may be killed for purposes of herd management by the permit holder or his/her agents, but only with authorization from an agent of the department.

(17) The holder of a Class I or Class II wildlife breeder permit shall report escaped animals immediately to an agent of the department.

(18) The holder of a Class I wildlife breeder permit may sell legally acquired game bird eggs or dressed or processed quail, pheasants and partridges at retail and to commercial establishments under provisions of 3 CSR 10-10.743, provided all sales are accompanied by a valid invoice and the required records are maintained by the wildlife breeder.

(19) Animal health standards and movement activities shall comply with all state and federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.359 Class I and Class II Wildlife Breeder: Records Required. The commission proposes to amend provisions of this rule.

PURPOSE: *This amendment requires each wildlife breeder to submit a report of wildlife transactions to include a record of the death of individual animals.*

Each Class I and Class II wildlife breeder shall maintain a current record, by date, of all transactions showing the place of origin and the numbers and species of wildlife which were possessed, propagated, bought, sold, transported, shipped, given away, *or* used, **or which have died**, on forms provided by the department. These records and applicable state and federal animal health records and permits for each animal shall be maintained on the premises of the wildlife breeder and shall be subject to inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-10.753. This version of rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend section (2).

PURPOSE: *This amendment provides clarification that advance notification must be made with a conservation agent or the Protection Division regional supervisor.*

(2) **General Requirements for Permit Holders.** Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or **Protection Division** regional supervisor in the county or area as to where and when the collecting will be done. The permit holder's name, address and wildlife collector's permit number shall be on all trapping and netting devices. The traps, nets or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the director. Wildlife held under a wildlife collector's permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. Field collection must be conducted under the in-person supervision of the permit holder. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.560 Licensed Hunting Preserve Permit. The commission proposes to amend section (1).

PURPOSE: *This amendment provides further clarification of which species of animals may be hunted on licensed hunting preserves under this permit.*

(1) To maintain and operate a licensed hunting preserve and to propagate, hold in captivity, **hunt** and sell **only** legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals).

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. This rule previously filed as 3 CSR 10-10.760. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges. The commission proposes to amend subsections (1)(A) and (B).

PURPOSE: *This amendment provides better organization of the rule; clarifies which species of game birds may be used on game bird hunting preserves; and requires such birds to be obtained only from sources who are participants, in good standing, of the National Poultry Improvement Plan. In addition, this amendment clarifies that licensed big game hunting preserves cannot be cross-fenced into portions less than the minimum acreage of three hundred twenty (320) acres.*

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve **only** legally acquired pheasants, exotic partridges, quail, and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(A) Game Bird Hunting Preserve.

1. *[The] A game bird hunting preserve shall be a single body of land not less than one hundred sixty (160) acres and no more than six hundred forty (640) acres in size. Game bird hunting preserves may be dissected by public roads, and shall be posted with signs specified by the department. [Hunting preserve permits will not be issued for areas:]*

2. **Only pheasants, exotic partridges and quail may be used on game bird hunting preserves, and such game birds must be obtained from a legal source who is a participant, in good standing, of the National Poultry Improvement Plan.**

3. **Permits for game bird hunting preserves will not be issued:**

A. **For areas [W]within five (5) miles of any [area] location** where there is an ongoing department game bird release program or where the most recent release of department game birds has been made less than five (5) years prior to receipt of the application.

B. In any location where those activities are considered by the department as likely to further jeopardize any species currently designated by Missouri or federal regulations as threatened or endangered wildlife.

2.J 4. Any person taking or hunting game birds on a licensed hunting preserve shall have in his/her possession a valid small game hunting permit or licensed hunting preserve hunting permit, except that persons fifteen (15) years of age or younger, when accompanied by a properly licensed adult hunter, and residents sixty-five (65) years of age and older, may hunt without permit. Licensed hunting

preserve hunting permits may be issued to persons without requiring display of a hunter education certificate card for use on game bird hunting preserves; provided s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card.

13.J 5. Game birds **may be taken in any number** on a hunting preserve **and** may be possessed and transported from the preserve only when accompanied by a receipt listing the date, number and species taken, and name of the hunting preserve; or when accompanied by an approved transportation sticker for each game bird taken. Transportation stickers must be purchased from the department by the hunting preserve permittee. *[Game birds may be taken in any numbers on these preserves.]*

14.J 6. The permittee must release during the shooting season at least one (1) game bird per acre of hunting preserve, with at least one-half (1/2) of the birds to be bobwhite quail, if quail are to be hunted outside the statewide season. *[All birds shall be from a source approved by the department.]*

15.J 7. The permittee may exercise privileges provided in 3 CSR 10-9.353 for game birds held under this permit in propagation or holding facilities within or directly adjacent to the game bird hunting preserve. Propagation or holding facilities may be separated from the hunting preserve by a public road, but must be directly adjacent. Any such propagation or holding facilities shall meet standards specified in 3 CSR 10-9.220. Other propagation or holding facilities not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

(B) Big Game Hunting Preserve.

1. The big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. **The hunting preserve shall not be cross-fenced into portions of less than three hundred twenty (320) acres.** The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence height shall meet standards specified in 3 CSR 10-9.220. **Fencing for hogs shall be constructed of twelve (12) gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet (2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by an agent of the department.**

2. All elk, elk-hybrids, mule deer, and white-tailed deer introduced into a big game hunting preserve shall meet the following requirements:

A. Animals shall be tagged or marked in a method allowing each individual animal to be uniquely identified.

B. Animals imported into Missouri must come from a herd that is enrolled and has achieved a status two or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—two (2) years of surveillance, advancement, and successful completion of program requirements.

C. Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program.

3. Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer over twelve (12) months of age that die of any cause within a big game hunting preserve operation, shall be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

A. No testing is required for big game hunting preserve operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having

a status less than three as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

B. No testing is required for elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's chronic wasting disease monitoring program as from a status five herd—five (5) years of surveillance, advancement, and successful completion of program requirements.

C. One hundred percent (100%) of all elk, elk-hybrids, mule deer and white-tailed deer that are imported into Missouri that are from a herd having a status less than three as documented through a United States Department of Agriculture or state-sponsored chronic wasting disease monitoring program that die of any cause within a big game hunting preserve shall be tested for chronic wasting disease at a federally approved laboratory.

4. All permits issued by the state veterinarian's office allowing cervids to enter Missouri and all chronic wasting disease test results must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time. All test results documenting a positive case of chronic wasting disease shall be reported immediately to an agent of the department.

5. The permittee may exercise privileges provided in 3 CSR 10-9.353 only for species held within breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve. Any such breeding enclosure(s) shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures may be separated from the hunting preserve by a public road, but must be directly adjacent. Other breeding enclosures not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

6. Any person taking or hunting ungulates on a big game hunting preserve shall have in his/her possession a valid licensed hunting preserve hunting permit. The permittee shall attach to the leg of each ungulate taken on the hunting preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be labeled with the licensed hunting preserve permit number.

7. Animal health standards and movement activities shall comply with all state and federal regulations.

8. Big game hunting preserve permittees shall report escaped animals immediately to an agent of the department.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend sections (6) and (7).

PURPOSE: This amendment allows any species of exotic partridges to be used; requires birds to be obtained from participants of the National Poultry Improvement Plan; changes transportation and possession requirements for mallards to comply with federal rules; removes the option of marking captive-reared mallard ducks by banding, to eliminate any possibility of confusion with wild waterfowl banding activities; and re-orders portions of the rule for clarification and understanding.

(6) For game bird field trials:

(A) Designated shooters, under the field trial permit, may shoot only legally obtained captive-reared quail, pheasants, [chukars] exotic partridges and mallard ducks. Such birds must be obtained from sources who are participants, in good standing, of the National Poultry Improvement Plan. The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.

(B) Quail, pheasants and [chukars] exotic partridges shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked [with a permanent avian leg band,] by removal of the hind toe from the right foot, or by tattooing [of] a readily discernible number or letter or combination on the web of one (1) foot.

(C) Captive-reared quail, pheasants, exotic partridges and mallard ducks may be taken in any number during field trials and may be possessed and transported after the trials by any person when accompanied by a receipt listing the date, number and species, and name, address and permit number of the field trial permittee. In addition, a fully feathered wing or head must remain attached to mallards.

[(7) The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.627 Dog Training Area Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment clarifies the species which may be utilized under this permit.

To operate a dog training area, and to purchase, hold, release and shoot on the training area **only** legally acquired pheasants, exotic partridge and quail. Fee: twenty dollars (\$20).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 31, 1965, effective Dec. 31, 1965. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.628 Dog Training Area: Privileges. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies the species which may be utilized under this permit, and establishes a requirement that game birds must be obtained from participants in the National Poultry Improvement Plan.

(1) A dog training area permit is required to operate a dog training area, and to purchase, hold, release and shoot on the training area **only** legally acquired pheasants, exotic partridge and quail. **Such game birds must be obtained from a legal source who is a participant, in good standing, of the National Poultry Improvement Plan.** Receipts for all game birds purchased or held must be maintained, and are subject to inspection by an authorized agent of the department at any reasonable time. Game birds held for more than twenty-four (24) hours must be confined in facilities that meet standards specified in 3 CSR 10-9.220.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-9.627. Original rule filed Aug. 30, 2002, effective March 1, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend sections (2) and (12).

PURPOSE: This amendment provides for commercial fishing in certain streams, establishes restrictions on the use of commercial fishing gear and corrects a reference to a previous section of the rule.

(2) Trammel nets and gill nets must be attended at all times by the permittee's immediate presence [*on the waters*] where nets are set. **For purposes of this section, immediate presence is defined as within sight of the location of set equipment in order to personally claim or identify such equipment during inspection by an agent of the department.** Hoop nets may be left set and unattended for not more than forty-eight (48) hours. All other commercial fishing equipment may be left set and unattended for not more than twenty-four (24) hours.

(12) The possession of extracted eggs of any fish species, except as provided in section *[(8)]* (9) of this rule, is prohibited while on waters of the state and adjacent banks.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

PROPOSED RULE

3 CSR 10-10.735 Sale of Live Bait

PURPOSE: This rule establishes a registration requirement for sellers of live bait and consolidates other regulations regarding bait sales.

(1) Any person, group or business that sells live bait, as defined in 3 CSR 10-6.605, must register annually with the department as a live bait dealer. (Initial registration may occur at any time. Annual registration in successive years shall occur on or after January 1, but prior to March 1. Registration forms may be obtained by contacting the Department of Conservation or by visiting www.mdc.mo.gov).

(2) Live bait may not be sold if obtained from the waters of the state except when taken by a licensed commercial fisherman from commercial waters. Live bait purchased or obtained from a licensed commercial fisherman or other legal sources must be species listed in the Approved Aquatic Species List (3 CSR 10-9.110(3)(F)).

(3) Live bait obtained as described in this rule may be possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.125 Field Trials. The commission proposes to amend section (4).

PURPOSE: This amendment allows any species of exotic partridges to be used; requires birds to be obtained from participants of the National Poultry Improvement Plan; changes transportation and possession requirements for mallards to comply with federal rules; removes the option of marking captive-reared mallard ducks by banding, to eliminate any possibility of confusion with wild waterfowl banding activities; and re-orders portions of the rule for clarification and understanding.

(4) For game bird field trials:

(A) Designated shooters, under the field trial special use permit, may shoot only legally obtained **captive-reared** quail, pheasants, *[chukars]* exotic partridges and mallard ducks. Such birds must be obtained from sources who are participants, in good standing, of the National Poultry Improvement Plan. The permit holder may purchase quail and pheasants no more than ten (10) days prior to a trial and hold them no longer than ten (10) days after a trial.

(B) Quail, pheasants and *[chukars]* exotic partridges shall be marked with a permanent avian leg band prior to release. Mallard ducks shall be marked *[with a permanent avian leg band]* by removal of the hind toe from the right foot, or by tattooing *[of]* a readily discernible number or letter or combination on the web of one foot.

(C) Captive-reared quail, pheasants, exotic partridges and mallard ducks may be taken in any number during field trials and dressed carcasses may be possessed and transported after the trials by any person when accompanied by a receipt listing the date, number and species, and name, address and permit number of the field trial permittee. In addition, a fully feathered wing or head must remain attached to mallards.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.140 Camping. The commission proposes to amend section (1) and add subsection (1)(B).

PURPOSE: This amendment will permit river-approach camping by boaters at specified MDC river access sites along the Missouri River.

(1) Camping is permitted only within areas designated by signs or brochures **or as provided in subsection (1)(B) of this rule**. Stays are limited to a period of fourteen (14) consecutive days in any thirty (30)-day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen (14)-day period. Total camping days on all */Department of Conservation/* department lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or any mechanical device which causes disturbance to other campers. Camping fees are required at some areas. Groups of more than ten (10) people must obtain a special use permit prior to camping.

(B) Persons traveling the Missouri River by boat may camp on any suitable site within one hundred (100) yards of the river and moor overnight adjacent to camp but outside the navigation channel between April 1 and September 30 on the following conservation areas:

1. Bob Brown Conservation Area
2. Columbia Bottom Conservation Area
3. Cooley Lake Conservation Area
4. Deroin Bend Conservation Area
5. Diana Bend Conservation Area
6. Dupree Memorial Conservation Area
7. Eagle Bluffs Conservation Area
8. Grand Pass Conservation Area
9. Howell Island Conservation Area
10. Lower Hamburg Bend Conservation Area
11. Marion Bottoms Conservation Area

12. Monkey Mountain Conservation Area
13. Nishnabotna Conservation Area
14. Overton Bottoms (South) Conservation Area
15. Pelican Island Natural Area
16. Plowboy Bend Conservation Area
17. Rush Bottoms Conservation Area
18. Saint Stanislaus Conservation Area
19. Smoky Waters Conservation Area
20. Tate Island Conservation Area
21. Thurnau Conservation Area
22. Weldon Spring Conservation Area
23. Wolf Creek Bend Conservation Area
24. Worthwine Island Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.160 Use of Boats and Motors. The commission proposes to amend paragraph (1)(A)2.

PURPOSE: This amendment allows only department-owned boats to be used on Blind Pony Lake Conservation Area.

(1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, and personal watercraft as defined in section 306.010, RSMo, are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On **Blind Pony Lake Conservation Area** and Hunnewell Lake Conservation Area, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. No other restrictions in this section apply to this area.

5. On Bellefontaine Conservation Area, boats are prohibited.

6. Outboard motors of any size may be used on Overton Bottoms Conservation Area, but must be operated at slow, no-wake speed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment eliminates the use of private boats on Blind Pony Lake to reduce the risk of a zebra mussel infestation of the lake. Department-owned boats will be offered to users at a rate of \$5/day, subject to availability. We estimate that one hundred eighty (180) boat customers per year will rent boats at Blind Pony Lake who currently use their own boats. 180 boats rented per year × \$5 per boat = \$900 × 5 years = \$4500.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 11 Special Regulations for Department Areas
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 3 CSR 10-11.160 Use of Boats and Motors

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Anglers at Blind Pony Lake who currently use their own boats		\$4500

III. WORKSHEET

This proposed regulation eliminates the use of private boats on Blind Pony Lake to reduce the risk of a zebra mussel infestation of the lake. Department-owned boats will be offered to users at a rate of \$5/day, subject to availability. We estimate that 180 boat customers per year will rent boats at Blind Pony Lake who currently use their own boats.

180 boats rented per year X \$5 per boat X 5 years = \$4500.

IV. ASSUMPTIONS

Number of boat rentals is based on historic sales data.

Based on an average five-year life cost. All fees are reviewed annually and adjustments made as needed—normally within five years.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (1) and (3)–(28).

PURPOSE: This amendment modifies hunting activities on selected conservation areas.

(1) Hunting is permitted on department areas, except as further restricted by signs, area brochures or this chapter. Unless otherwise provided in this chapter, statewide permits, seasons, methods and limits apply. **An area daily hunting permit may be required in addition to statewide permits.**

(3) Hunting is prohibited on public fishing access areas less than forty (40) acres in size except for deer hunting as authorized in the *annual 2006 Fall Deer and Turkey Hunting Regulations and Information* booklet. This publication is incorporated by reference. A copy of this booklet is published by and can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City MO 65102-0180. It is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(4) Hunting is prohibited on the following department areas except for deer hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet:

(JJ) Great Spirit Cave Conservation Area

(KK) Grundy Memorial Wildlife Area

/(JJJ) (LL) Ronald and Maude Hartell Conservation Area

/(KKK) (MM) James R. Harter Conservation Area

/(LL) (NN) Ruth and Paul Henning Conservation Area

/(MM) (OO) Hickory Canyons Natural Area

/(NN) (PP) Houston Forestry Office

/(OO) (QQ) Hurley Radio Facility

/(PP) (RR) Hurricane Deck Towersite

/(QQ) (SS) Jefferson City Radio Facility

/(RR) (TT) Joplin Towersite

/(SS) (UU) Juden Creek Conservation Area

/(TT) (VV) LaPetite Gemme Prairie Conservation Area

/(UU) (WW) Lebanon Forestry Office

/(VV) (XX) Lebanon Towersite

(YY) Lenox Towersite

/(WW) (ZZ) Lichen Glade Conservation Area

/(XX) (AAA) Limpp Community Lake

/(YY) (BBB) Lipton Conservation Area

/(ZZ) (CCC) Little Osage Prairie

/(AAA) (DDD) Lower Taum Sauk Lake

/(BBB) (EEE) Malta Bend Community Lake

/(CCC) (FFF) Mansfield Shop

/(DDD) (GGG) Maple Flats Access

/(EEE) (HHH) Maple Woods Natural Area

/(FFF) (III) Miller Community Lake

/(GGG) (JJJ) Mint Spring Conservation Area

/(HHH) (KKK) Mount Vernon Prairie

/(III) (LLL) Neosho District Headquarters

/(JJJ) (MMM) New Madrid Forestry Office

/(KKK) (NNN) Niawathe Prairie Conservation Area

/(LLL) (OOO) Northeast Regional Office

/(MMM) (PPP) Northwest Regional Office

/(NNN) (QQQ) Onyx Cave Conservation Area

/(OOO) (RRR) Ozark Regional Office

/(PPP) (SSS) Parma Woods Range and Training Center (south portion)

/(QQQ) (TTT) Pawhuska Prairie

/(RRR) (UUU) Pelican Island Natural Area

/(SSS) (VVV) Perry County Community Lake

/(TTT) (WWW) Perryville District Headquarters

/(UUU) (XXX) Pickle Springs Natural Area

/(VVV) (YYY) Pilot Knob Towersite

/(WWW) (ZZZ) Plad Towersite

/(XXX) (AAAA) Port Hudson Lake Conservation Area

/(YYY) (BBBB) Powder Valley Conservation Nature Center

/(ZZZ) (CCCC) Ray County Community Lake

/(AAAA) (DDDD) Resource Science Center

/(BBBB) Riverwoods Conservation Area

/(CCCC) (EEEE) Rocheport Cave Conservation Area

/(DDDD) (FFFF) Rockwoods Reservation

/(EEEE) (GGGG) Rockwoods Towersite

(HHHH) Rolla Public Contact Office

/(FFFF) (III) Runge Conservation Nature Center

/(GGGG) (JJJJ) Rush Creek Conservation Area

(KKKK) Ryden Cave Conservation Area

/(HHHH) (LLLL) Saeger Woods Conservation Area

/(IIII) (MMMM) Salem Maintenance Center

/(JJJJ) (NNNN) F. O. and Leda J. Sears Memorial Wildlife Area

/(KKKK) (OOOO) Sedalia Conservation Service Center

/(LLLL) (PPPP) Shawnee Mac Lakes Conservation Area

/(MMMM) (QQQQ) Shepherd of the Hills Fish Hatchery

/(NNNN) (RRRR) Sims Valley Community Lake

/(OOOO) (SSSS) Southeast Regional Office

/(PPPP) (TTTT) Southwest Regional Office

/(QQQQ) (UUUU) Springfield Conservation Nature Center

/(RRRR) (VVVV) Julian Steyermark Woods Conservation Area

/(SSSS) (WWWW) Sullivan Office

/(TTTT) (XXXX) Thirtyfour Corner Blue Hole

/(UUUU) (YYYY) Tower Rock Natural Area

/(VVVV) Tri-City Community Lake

/(WWWW) (ZZZZ) Twin Borrow Pits Conservation Area

/(XXXX) (AAAAA) Tywappity Community Lake

/(YYYY) (BBBBB) Ulman Towersite

/(ZZZZ) (CCCCC) Upper Mississippi Conservation Area (Clarksville Refuge)

/(AAAAA) (DDDDD) Vandalia Community Lake

/(BBBBB) (EEEE) Wah-Kon-Tah Prairie (portion south of Highway 82)

/(CCCCC) (FFFFF) Wah-Sha-She Prairie

/(DDDDD) (GGGGG) Walnut Woods Conservation Area

/(EEEE) (HHHHH) Warrenton Office

/(FFFFF) (IIII) White Alloe Creek Conservation Area

/(GGGGG) (JJJJ) Wildcat Glade Natural Area

/(HHHHH) (KKKK) Walter Woods Conservation Area

/(IIII) (LLLLL) Mark Youngdahl Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas **except for deer hunting as authorized in the annual Fall Deer and Turkey Hunting Regulations and Information booklet:**

(C) Bois D'Arc Conservation Area

/(C) (D) Branch Towersite

/(D) (E) Brickley Hollow Access

/(E) (F) Gerhild and Graham Brown Memorial Wildlife Area

/(F) (G) Catawissa Conservation Area

/(G) (H) Charity Access

(I) Columbia Bottom Conservation Area

/(H) (J) Crooked Creek Conservation Area

/(I) (K) Cuivre Island Conservation Area (mainland portion)

/(J) (L) Diamond Grove Prairie Conservation Area

/(K) (M) Dorris Creek Prairie Conservation Area

[(L)] (N) Dorsett Hill Prairie Conservation Area
[(M)] (O) Arthur Dupree Memorial Conservation Area
[(N)] (P) Eagle Bluffs Conservation Area
[(O)] (Q) Peter A. Eck Conservation Area
[(P)] (R) Earthquake Hollow Conservation Area
[(Q)] (S) Ferguson-Herold Conservation Area
[(R)] (T) Fort Leonard Wood Towersite
[(S)] (U) Larry R. Gale Access
[(T)] (V) Grand Bluffs Conservation Area
[(U)] (W) Horse Creek Prairie Conservation Area
[(V)] (X) Anthony and Beatrice Kendzora Conservation Area
(Y) LaBarque Creek Conservation Area
[(W)] (Z) Liberty Bend Conservation Area
[(X)] (AA) Little Bean Marsh Conservation Area
[(Y)] (BB) Little Dixie Lake Conservation Area
[(Z)] (CC) Little Prairie Conservation Area
[(AA)] (DD) Little River Conservation Area
[(BB)] (EE) Caroline Sheridan Logan Memorial Wildlife Area
[(CC)] (FF) Lone Jack Lake Conservation Area
[(DD)] (GG) Lost Valley Fish Hatchery
[(EE)] (HH) William Lowe Conservation Area
[(FF)] (II) Alice Ahart Mansfield Memorial Conservation Area
[(GG)] (JJ) Marais Temps Clair Conservation Area
[(HH)] (KK) Mo-No-I Prairie Conservation Area
[(II)] (LL) Mon-Shon Prairie Conservation Area
[(JJ)] (MM) Pacific Palisades Conservation Area
[(KK)] (NN) Guy B. Park Conservation Area
[(LL)] (OO) Parma Woods Range and Training Center (north portion)
(PP) Pelican Island Natural Area
(QQ) James A. Reed Memorial Wildlife Area
[(MM)] (RR) Reform Conservation Area
[(NN)] (SS) Rocky Barrens Conservation Area
(TT) Saint Stanislaus Conservation Area
[(OO)] (UU) Dr. O. E. and Eloise Sloan Conservation Area
[(PP)] (VV) Sunbridge Hills Conservation Area
[(QQ)] (WW) Tipton Ford Access
[(RR)] (XX) Treaty Line Prairie Conservation Area
(YY) Tri-City Community Lake
[(SS)] (ZZ) Valley View Glades Natural Area
[(TT)] (AAA) Archie and Gracie VanDerhoef Memorial State Forest
[(UU)] (BBB) Victoria Glades Conservation Area
[(VV)] (CCC) Vonaventure Memorial Forest and Wildlife Area
[(WW)] (DDD) Wig Wam Access
[(XX)] (EEE) Wolf Bayou Conservation Area
[(YY)] (FFF) Young Conservation Area

(6) Firearms firing single projectiles are prohibited, except during managed deer hunts, and except furbearers treed with the aid of dogs may be taken with a twenty-two (.22) caliber firearm on the following department areas:

[(D) Truman Reservoir Management Lands (Clinton Wildlife Management Area)]

[(7) Firearms firing single projectiles are prohibited, except during managed deer hunts on the following department areas:

*(A) Bois D'Arc Conservation Area
(B) Columbia Bottom Conservation Area
(C) James A. Reed Memorial Wildlife Area
(D) Pelican Island Natural Area
(E) Saint Stanislaus Conservation Area]*

[(8)] (7) Firearms hunting is prohibited on the following department areas:

*(A) Boston Ferry Conservation Area
(B) Jim Bridger Urban Conservation Area*

(C) Jamesport Community Lake
(D) J. Thad Ray Memorial Wildlife Area
(E) Lon Sanders Canyon Conservation Area
(F) Henry Jackson Waters and C.B. Moss Memorial Wildlife Area

*[(9)] (8) Use or possession of lead shot is prohibited for hunting *[in designated zones]* on the following department areas:*

(A) Black Island Conservation Area
[(A)] (B) Bob Brown Conservation Area
[(B)] (C) Columbia Bottom Conservation Area
[(C)] (D) Cooley Lake Conservation Area
[(D)] (E) Coon Island Conservation Area
[(E)] (F) Duck Creek Conservation Area
[(F)] (G) Eagle Bluffs Conservation Area
[(G)] (H) Fountain Grove Conservation Area
[(H)] (I) Four Rivers Conservation Area
[(I)] (J) Grand Pass Conservation Area
[(J)] (K) B. K. Leach Memorial Conservation Area
[(K)] (L) Little Bean Marsh Conservation Area
[(L)] (M) Little River Conservation Area
[(M)] (N) Marais Temps Clair Conservation Area
[(N)] (O) Montrose Conservation Area
[(O)] (P) Nodaway Valley Conservation Area
[(P)] (Q) Otter Slough Conservation Area
[(Q)] (R) Schell-Osage Conservation Area
[(R)] (S) Settle's Ford Conservation Area
[(S)] (T) Ted Shanks Conservation Area
[(T)] (U) Ten Mile Pond Conservation Area

[(10)] (9) On Otter Slough Conservation Area, turkey hunting is prohibited.

[(11)] (10) On Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area fall firearms turkey hunting is prohibited.

[(12)] (11) On Weldon Spring Conservation Area, spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is permitted under statewide seasons, methods, and limits. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

*[(13)] (12) On *[designated portions of]* Peck Ranch Conservation Area, spring turkey hunting is permitted *[only with a Managed Turkey Hunting Permit in addition to prescribed statewide permit]* under statewide regulations. Fall turkey hunting is *[prohibited]* permitted under statewide regulations in designated areas only.*

*[(14)] (13) On Caney Mountain Conservation Area: *[(fenced portion), spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the managed hunt. Fall firearms turkey hunting is permitted under statewide regulations except during scheduled managed deer hunts. Squirrel hunting is permitted during the prescribed season except from September 1 through November 30.]**

(A) On the designated fenced portion of the area:

1. Spring turkey hunting is permitted by holders of a valid spring turkey hunting permit who have been selected to participate in the managed hunt.

2. Firearms squirrel hunting is permitted from the fourth Saturday in May through August 31, and December 1 through February 15.

3. Fall turkey hunting is permitted under statewide regulations.

(B) On the remainder of the area, spring turkey hunting, firearms squirrel hunting, and fall turkey hunting are permitted under statewide regulations.

/(15) (14) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, except on designated portions where special management restrictions apply. The daily limit is four (4) rabbits.

(B) Doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(C) Squirrels *and groundhogs* may be hunted only with shotgun from the fourth Saturday in May through October 15 **and from January 1 through February 15**.

(D) **Groundhogs may be hunted only with shotgun from the day following the prescribed spring turkey hunting season through October 15.**

/(D) (E) Furbearers may only be hunted from 6:00 p.m. to 6:00 a.m. from December 15 through the end of the prescribed furbearer season. Coyotes may be taken only by shotgun during daylight hours from the fourth Saturday in May through September 30 and from December 15 through March 31, except coyotes may be taken during managed deer hunts by participants possessing a valid Managed Deer Hunting Permit and the prescribed hunting permit.

/(E) (F) Spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is prohibited. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

/(F) (G) Quail hunting is permitted only during managed quail hunts.

/(16) (15) On James A. Reed Memorial Wildlife Area:

(A) Rabbits may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(B) Doves may be taken only in *assigned* **designated** areas *from assigned shooting stations* from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting permit.

(C) Squirrels may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(D) Turkey, furbearer, and quail hunting are prohibited except during managed hunts.

/(17) (16) On Bois D'Arc Conservation Area and White River Trace Conservation Area, quail and dove hunting are permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting *tag* **permit**. Quail may be taken only by holders of a valid area daily hunting *tag* **permit** until the area is posted closed based on harvest surveys.

/(18) (17) On Lake Paho Conservation Area, doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

/(19) (18) On Eagle Bluffs Conservation Area, William R. Logan Conservation Area and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to 5:00 p.m. during the September portion of statewide season by holders of a valid area daily hunting *tag* **permit**.

/(20) (19) On Marais Temps Clair Conservation Area:

(A) Dove hunting is permitted only until 1:00 p.m. daily.

(B) Quail, rabbit, pheasant, woodcock, squirrel, groundhog, furbearer, turkey and crow hunting is prohibited.

(C) All hunters must possess a valid daily hunting *tag* **permit**.

/(21) (20) On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting *tag* **permit**.

/(22) (21) Quail hunting is permitted only until 1:00 p.m. daily from November 1 through December 15 on the following department areas:

(A) Capps Creek Conservation Area

(B) Reform Conservation Area

(C) Dr. O. E. and Eloise Sloan Conservation Area

(D) Robert E. Talbot Conservation Area

(E) Whetstone Creek Conservation Area

/(23) (22) On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting *tag* **permit**.

/(24) (23) On Lake Girardeau Conservation Area, hunting is permitted only from November 1 through April 1.

/(25) (24) On Settle's Ford Conservation Area, hunting of wildlife other than waterfowl is prohibited in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season.

/(26) (25) Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the prescribed waterfowl season on the following department areas:

(A) Bob Brown Conservation Area

(B) Columbia Bottom Conservation Area

(C) Coon Island Conservation Area

(D) Duck Creek Conservation Area

(E) Eagle Bluffs Conservation Area

(F) Fountain Grove Conservation Area

(G) Grand Pass Conservation Area

(H) B. K. Leach Memorial Conservation Area

/(I) (H) Marais Temps Clair Conservation Area

/(J) (I) Montrose Conservation Area

/(K) (J) Nodaway Valley Conservation Area

/(L) (K) Otter Slough Conservation Area

/(M) (L) Schell-Osage Conservation Area

/(N) (M) Ted Shanks Conservation Area

/(O) (N) Ten Mile Pond Conservation Area

/(27) (26) On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through the end of the prescribed waterfowl season.

/(28) (27) On Burr Oak Woods Conservation Area, spring turkey hunting is permitted only by persons under sixteen (16) years of age holding a Managed Turkey Hunting Permit in addition to the prescribed turkey hunting permit; provided, s/he is hunting in the immediate presence of a properly licensed adult who has in his/her possession a valid hunter education certificate card.

(28) On B. K. Leach Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the prescribed waterfowl season other wildlife may be hunted only by archery methods and only in designated areas.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001,

effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.200 Fishing, General Provisions and Seasons. The commission proposes to amend section (4).

PURPOSE: *This amendment adds Fire Lake to the list of areas where fishing is prohibited during the waterfowl hunting season.*

(4) On **Prairie Lake and Fire Lake** (Weldon Spring Conservation Area), fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend paragraph (1)(B)11. and renumber subsequent paragraphs.

PURPOSE: *This amendment adds Femme Osage Slough at Weldon Spring Conservation Area to the list of areas where carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons.*

(1) On lakes and ponds, fish may be taken only with pole and line and not more than three (3) poles may be used by one (1) person at any time, except as otherwise provided in this chapter.

(B) Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following department areas or individually named lakes:

1. Atlanta Conservation Area
2. Bismarck Conservation Area
3. Blackjack Access
4. Bob Brown Conservation Area
5. Columbia Bottom Conservation Area
6. Cooley Lake Conservation Area
7. Deer Ridge Conservation Area
8. Deroin Bend Conservation Area
9. Duck Creek Conservation Area
10. Eagle Bluffs Conservation Area
- 11. Femme Osage Slough (Weldon Spring Conservation Area)**
 - [11.] 12. Connor O. Fewel Conservation Area
 - [12.] 13. Fountain Grove Conservation Area
 - [13.] 14. Four Rivers Conservation Area
 - [14.] 15. Franklin Island Conservation Area
 - [15.] 16. Grand Pass Conservation Area
 - [16.] 17. Hunnewell Lake Conservation Area
 - [17.] 18. King Lake Conservation Area
 - [18.] 19. Kings Prairie Access
 - [19.] 20. Lake Paho Conservation Area
 - [20.] 21. Lamine River Conservation Area
 - [21.] 22. B. K. Leach Memorial Conservation Area
 - [22.] 23. Limpp Community Lake
 - [23.] 24. Little Compton Lake Conservation Area
 - [24.] 25. Locust Creek Conservation Area
 - [25.] 26. Manito Lake Conservation Area
 - [26.] 27. Marais Temps Clair Conservation Area
 - [27.] 28. Nodaway County Community Lake
 - [28.] 29. Nodaway Valley Conservation Area
 - [29.] 30. Otter Lake (Otter Slough Conservation Area)
 - [30.] 31. Peabody Conservation Area
 - [31.] 32. Ralph and Martha Perry Memorial Conservation Area
 - [32.] 33. Haysler A. Poague Conservation Area
 - [33.] 34. Pony Express Lake Conservation Area
 - [34.] 35. Rebel's Cove Conservation Area
 - [35.] 36. Schell-Osage Conservation Area
 - [36.] 37. Henry Sever Lake Conservation Area
 - [37.] 38. Settle's Ford Conservation Area
 - [38.] 39. Ted Shanks Conservation Area
 - [39.] 40. H. F. Thurnau Conservation Area
 - [40.] 41. Truman Reservoir Management Lands
 - [41.] 42. Worth County Community Lake
 - [42.] 43. Worthwine Island Conservation Area

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to amend section (2).

PURPOSE: *This amendment reduces the daily limit for black bass to two (2) on Jerry P. Combs Lake (Little River Conservation Area).*

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

(G) Jerry P. Combs Lake (Little River Conservation Area)

- [(G)] (H) Robert G. DeLaney Lake Conservation Area*
- [(H)] (I) Happy Holler Lake (Happy Holler Lake Conservation Area)*
- [(I)] (J) J. N. "Turkey" Kearn Memorial Wildlife Area*
- [(J)] (K) Lake Paho Conservation Area*
- [(K)] (L) Lone Jack Lake Conservation Area*
- [(L)] (M) Maple Leaf Lake Conservation Area*
- [(M)] (N) Port Hudson Lake Conservation Area*
- [(N)] (O) James A. Reed Memorial Wildlife Area*
- [(O)] (P) Schell Lake (Schell-Osage Conservation Area)*
- [(P)] (Q) Weldon Spring Conservation Area*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to amend section (2).

PURPOSE: *This amendment increases the minimum length limit for black bass from fifteen inches (15") to eighteen inches (18") on Jerry P. Combs Lake (Little River Conservation Area).*

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

(B) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

- 1. Amarugia Highlands Conservation Area
- 2. Apple Creek Conservation Area
- 3. Atkinson Lake (Schell-Osage Conservation Area)
- 4. Baltimore Bend Conservation Area
- 5. Bilby Ranch Lake Conservation Area
- 6. Binder Community Lake
- 7. Buffalo Bill Lake (Pony Express Lake Conservation Area)
- 8. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)
- 9. Castor River Conservation Area
- 10. Che-Ru Lake (Fountain Grove Conservation Area)
- [(11)] Jerry P. Combs Lake (Little River Conservation Area)]*
- [(12)] 11. Deer Ridge Lake (Deer Ridge Conservation Area)*
- [(13)] 12. General Watkins Conservation Area*
- [(14)] 13. Jamesport Community Lake*
- [(15)] 14. J. N. "Turkey" Kearn Memorial Wildlife Area*
- [(16)] 15. Limpp Community Lake*
- [(17)] 16. Lone Jack Lake Conservation Area*
- [(18)] 17. Maple Leaf Lake Conservation Area*
- [(19)] 18. Nodaway County Community Lake*
- [(20)] 19. Otter Slough Conservation Area*
- [(21)] 20. Perry County Community Lake*
- [(22)] 21. Pony Express Lake (Pony Express Lake Conservation Area)*
- [(23)] 22. Ray County Community Lake*
- [(24)] 23. James A. Reed Memorial Wildlife Area*
- [(25)] 24. Rinquelin Trail Community Lake*
- [(26)] 25. Schell Lake (Schell-Osage Conservation Area)*
- [(27)] 26. Ted Shanks Conservation Area*
- [(28)] 27. Tobacco Hills Lake (Guy B. Park Conservation Area)*
- [(29)] 28. Vandalia Community Lake*
- [(30)] 29. Weldon Spring Conservation Area*
- [(31)] 30. Worth County Community Lake*

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

- 1. Bellefontaine Conservation Area
- 2. Lakes 33 and 35 (August A. Busch Memorial Conservation Area)
- 3. Belcher Branch Lake Conservation Area
- 4. Jerry P. Combs Lake (Little River Conservation Area)**
- [(4)] 5. Robert G. Delaney Lake Conservation Area*
- [(5)] 6. Happy Holler Lake (Happy Holler Lake Conservation Area)*
- [(6)] 7. Lake Paho Conservation Area*
- [(7)] 8. Port Hudson Lake Conservation Area*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to amend section (1).

PURPOSE: This amendment establishes closed hours for uses other than fishing and other conservation-related recreation at Buchanan County (Gasper Landing), Kirksville (Spur Pond), Macon County (Fairgrounds Lake) and Pemiscot County (Triangle Boat Club Access).

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

(C) Buchanan County (Gasper Landing)

/(C)/(D) Empire District Electric Company (Ozark Beach Recreation Area)

/(D)/(E) Department of Mental Health (Marshall Habilitation Center Lake)

/(E)/(F) Green City Lake

/(F)/(G) Higbee (City Waterworks Lake)

/(G)/(H) Kirksville (Hazel Creek Lake, Spur Pond)

/(H)/(I) Lancaster (New City Lake, Paul Bloch Memorial Pond)

/(I)/(J) LaPlata City Lake

(K) Macon County (Fairgrounds Lake)

/(J)/(L) Marceline (Marceline City Lake, Old Marceline City Reservoir)

/(K)/(M) Memphis (Lake Showme)

/(L)/(N) Milan (Elmwood Lake)

/(M)/(O) Monroe City (Route J Reservoir)

(P) Pemiscot County (Triangle Boat Club Access)

/(N)/(Q) Rockaway Beach Access

/(O)/(R) Sedalia Water Department (Spring Fork Lake)

/(P)/(S) Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

/(Q)/(T) Watershed Committee of the Ozarks (Valley Water Mill Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 1, 2001, effective Oct. 30, 2001. Amended: Filed Sept. 29, 2004, effective Feb. 28, 2005. Amended: Filed April 20, 2005, effective Sept. 30, 2005. Amended: Filed Sept. 14, 2005, effective Feb. 28, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraphs (1)(A)1. and (1)(C)4.

PURPOSE: This amendment establishes provisions for harvesting bullfrogs and green frogs at the City of Columbia's A. Perry Philips Park Lake and Stephens Lake and corrects the name of Maramec Spring Park.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, gig, longbow, snagging, snaring, grabbing or pole and line except as further restricted in this chapter.

(A) Longbows may not be used to take frogs on the following areas:

1. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, **A. Perry Philips Park Lake, Stephens Lake**, Twin Lake)
2. Farmington (Giessing Lake, Hager Lake and Thomas Lake)
3. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
4. James Foundation (Scioto Lake)
5. Mark Twain National Forest (department managed portions)
6. Mexico (Lakeview Lake, Kiwanis Lake)
7. Moberly (Rothwell Park Lake, Water Works Lake)
8. Odessa (Lake Venita)

(C) The taking of frogs is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center, except on Ashland Lake
2. Bennett Spring State Park
3. Mark Twain National Forest (Carmen Springs Management Area)
4. Maramec Spring *[Trout]* Park
5. Montauk State Park
6. Roaring River State Park

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.130 Fishing, General Provisions and Seasons. The commission proposes to amend section (1).

PURPOSE: This amendment clarifies that fishing in waters owned by other entities, but managed by the department is permitted under statewide regulations unless otherwise provided.

(1) Fishing, under statewide permits, *[and]* seasons, **methods and limits**, is *[allowed on areas managed by the department under cooperative agreement except as otherwise provided]* **permitted except as further restricted** in this chapter.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed June 4, 2004, effective Nov. 30, 2004. Amended: Filed May 23, 2006, effective June 15, 2006. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend paragraph (2)(C)11.

PURPOSE: This amendment eliminates an unneeded regulation on a lake no longer managed by the department.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(C) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasis Park Lake)
2. Bridgeton (Kiwanis Lake)
3. Columbia (Twin Lake)
4. Ferguson (January-Wabash Lake)
5. Jennings (Koeneman Park Lake)
6. Kirksville (Hazel Creek Lake)
7. Kirkwood (Walker Lake)
8. Overland (Wild Acres Park Lake)
9. Sedalia Water Department (Spring Fork Lake)

10. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

11. St. Louis City (Benton Park Lake, Boathouse Lake, *[Clifton Heights Park Lake,]* Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

12. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

13. Unionville (Lake Mahoney)

14. University of Missouri (South Farm R-1 Lake)

15. Wentzville (Community Club Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.155 Fishing, Stone Mill Spring Branch. The commission proposes to amend subsections (1)(B) and (1)(C).

PURPOSE: This amendment removes the trout permit as a requirement for fishing in Stone Mill Spring Branch.

(1) On Stone Mill Spring Branch:

(B) Trout fishing is permitted from March 1 through October 31. The daily limit is four (4) trout, and no person shall continue to fish for any species after having four (4) trout in possession. *[Fishing in designated trout waters is permitted only by holders of a valid trout permit.] All anglers must have a valid trout permit to possess and transport trout.*

(C) Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. from November 1 through the last day in February as posted. *[Fishing in designated trout waters is permitted only by holders of a valid trout permit.] Only flies and artificial lures may be used, and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 4, 2004, effective Nov. 30, 2004. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to add new sections (4) and (43) and amend sections (5), (11) and (31).

PURPOSE: This amendment adds the definition of *atlatl* and *dart*; establishes a definition for persons with disabilities; will change some of the requirements of cable and break-away devices that can be used to safely capture furbearing animals; corrects the lengths of shovelnose sturgeon that may be harvested by commercial methods in the Mississippi River; and clarifies requirements for a lessee to ensure consistency with those of landowners.

(4) Atlatl: A rod or narrow board-like device used to launch, through a throwing motion of the arm, a dart five to eight feet (5'-8') in length.

(4) (5) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows and blew holes.

(5) (6) Cable restraint device: A device for the live-capture of certain furbearers in a non-water set by use of a cable loop made of *non-stainless, multi-strand* stranded steel cable, not greater than five feet (5') long (not including extensions), with a diameter of not less than five sixty-fourths inch (5/64") and equipped with a commercially manufactured breakaway rated at *two hundred eighty-five pounds (285 lbs.)* **three hundred fifty pounds (350 lbs.)** or less, a relaxing-type lock, a stop device that prevents it from closing to less than two and one-half inches (2 1/2") in diameter, and an anchor swivel, but shall not be equipped with a compression-type choke spring, or be otherwise mechanically-powered.

(6) (7) Cervid: All species of the deer family (family *Cervidae*) including those commonly known as white-tailed, mule, fallow, sika, red, musk, Pere David's deer, moose, caribou, reindeer, elk, or wapiti, and all deer-hybrids.

(7) (8) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

(8) (9) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact

between wildlife and humans is restricted to the handlers, performers or other circus employees.

(9) (10) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

(10) (11) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association or society where meals, lodging or other services or facilities are furnished for a consideration, price or fee.

(11) (12) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3) and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon *upto* **twenty-four inches to thirty-two inches (30") (24"-32")** in length (measured from tip of snout to fork of tail). In the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, commercial fish also include shovelnose sturgeon twenty-four inches to thirty inches (24"-30") in length (measured from tip of snout to fork of tail).

(12) (13) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

(13) (14) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

(14) (15) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

(15) (16) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

(16) (17) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

(17) (18) Director: The director of the Department of Conservation.

/(18) (19) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

/(19) (20) Domicile: The place where a person has his/her true, fixed and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

/(20) (21) Field trial: An organized event, contest, demonstration or trial of dogs whether or not prizes or awards of any kind are offered and where dogs may be used to chase, locate, pursue or retrieve wildlife.

/(21) (22) Firearms: Pistols, revolvers and rifles propelling a single projectile at one (1) discharge including those powered by spring, air or compressed gas, and shotguns not larger than ten (10) gauge.

/(22) (23) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, 3 CSR 10-12.135 and 3 CSR 10-12.150.

(A) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.

(B) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(C) Artificial lure—A lure constructed of any material excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above.

(D) Fly—An artificial lure constructed on a single-point hook, using any material except soft plastic bait and natural and scented bait as defined in (A) or (B) above, that is tied, glued or otherwise permanently attached.

/(23) (24) Furbearing animals: Furbearers: Badger, beaver, black bear, bobcat, coyote, gray fox, long-tailed weasel, mink, mountain lion, muskrat, nutria, opossum, raccoon, red fox, river otter, spotted skunk and striped skunk.

/(24) (25) Game birds: American coot, American woodcock, common snipe, crows, ducks, Eurasian collared-dove, geese, gray partridge, mourning dove, northern bobwhite quail, ring-necked pheasant, ruffed grouse, sora rail, Virginia rail, white-winged dove and wild turkey.

/(25) (26) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(A) *Ambloplites*, all species of rock bass, commonly known as goggle-eye, redeye, shadow bass, Ozark bass.

(B) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike hybrid, northern pike, chain pickerel, grass pickerel.

(C) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(D) *Lepomis gulosus*, commonly known as warmouth bass.

(E) *Micropterus*, all species of black bass and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(G) *Oncorhynchus* and *Salmo*, all species commonly known as salmon and trout.

(H) *Polyodon*, all species, commonly known as paddlefish, spoonbill.

(I) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(J) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(K) *Sander*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(L) *Scaphirhynchus platorynchus*, commonly known as shovelnose sturgeon, hickleback, sand sturgeon.

/(26) (27) Game mammals: Cottontail rabbit, deer, fox squirrel, gray squirrel, groundhog (woodchuck), jackrabbit, swamp rabbit and furbearers as defined.

/(27) (28) Grab: The act of snagging or attempting to snag a fish by means of a pole, line and hook manipulated by hand.

/(28) (29) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

/(29) (30) Invertebrate: Any animal lacking a backbone; this includes all animal phyla other than *Chordata*. (Examples include insects and other arthropods, flatworms, roundworms, segmented worms and mollusks.)

/(30) (31) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

/(31) (32) Lessee: Any Missouri resident who resides on and leases at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

/(32) (33) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

/(33) (34) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. This definition includes compound bows.

/(34) (35) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rules (3 CSR 10-7.431 and 3 CSR 10-7.436).

/(35) (36) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

/(36) (37) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

/(37) (38) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

/(38) (39) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

/(39) (40) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.

/(40) (41) Open season: That time when the pursuing and taking of wildlife is permitted.

/(41) (42) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

(43) Persons with disabilities: A person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

/(42) (44) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

/(43) (45) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod or fly rod, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing or trotlines or other tackle normally attached in a fixed position.

/(44) (46) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

/(45) (47) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county or municipal funds or labor.

/(46) (48) Pursue or pursued: Includes the act of trying to find, to seek or to diligently search for wildlife for the purpose of taking this wildlife.

/(47) (49) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership only registered officers of corporations meet this definition.

/(48) (50) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

/(49) (51) Snare: A device for the capture of furbearers in a water-set by use of a cable loop. Snare must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

/(50) (52) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

/(51) (53) Store and storage: Shall also include chilling, freezing and other processing.

/(52) (54) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

/(53) (55) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

/(54) (56) Transport and transportation: All carrying or moving or causing to be carried or moved from one */(1)* point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

/(55) (57) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

/(56) (58) Ungulate: Hoofed animals.

/(57) (59) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

/(58) (60) Zoo: Any publicly owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 37—Number Pooling and Number
Conservation Efforts**

PROPOSED RULE

4 CSR 240-37.010 General Provisions

PURPOSE: This rule governs the implementation and monitoring of thousands-block and other number conservation efforts pursuant to federal authority.

(1) This rule and the other rules comprising Chapter 37 shall apply to all carriers operating in the state of Missouri and requesting numbering resources directly from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator regardless as to whether such carriers operate under the jurisdiction of the Public Service Commission.

(2) The rules comprising Chapter 37 shall not relieve any company from any of its duties under the laws of this state or from any other rules of this commission. All carriers shall be in compliance with this chapter within thirty (30) days after the effective date of this rule.

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and should include a reference to commission Case No. TX-2007-0086. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for Monday, December 4, 2006 at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 37—Number Pooling and Number
Conservation Efforts**

PROPOSED RULE

4 CSR 240-37.020 Definitions

PURPOSE: This rule defines terms used in the rules comprising Chapter 37.

(1) Bona fide request occurs when any competitor submits a request for the carrier to deploy local number portability in a rate center. Technical deficiencies such as typographical errors, misspelled names, incorrect carrier addresses, or incorrect carrier contacts associated with a request, cannot be used to exclude a request from meeting this definition.

(2) Carrier is any entity that is assigned or has requested numbering resources from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator for its use.

(3) Central Office Code or NXX refers to the second three (3) digits of a ten (10)-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers two (2) through nine (9) and X represents any one of the numbers zero (0) through nine (9).

(4) Commission is the Missouri Public Service Commission.

(5) Contamination occurs when at least one (1) telephone number within a thousands-block of telephone numbers is not available for assignment to end users. A telephone number is not available for assignment to end users if it is classified, consistent with current federal definitions, as administrative, aging, assigned, intermediate, or reserved by the carrier.

(6) Exempt carrier is a carrier that does not have the technical capability to provide local number portability. A carrier is no longer an exempt carrier once it has received a bona fide request and the specified federal guidelines of either thirty (30), sixty (60) or one hundred eighty (180) days have elapsed. A carrier that has the technical capability to provide local number portability but is not currently providing local number portability is not an exempt carrier.

(7) FCC is the Federal Communications Commission.

(8) FCC Form U1 of Form 502 indicates a carrier's current numbering resource utilization level.

(9) Growth Numbering Resource is a request for numbering resources when the telephone numbers available to a carrier for assignment will not meet expected demand.

(10) "In service" means activating and commencing assignment of numbering resources.

(11) Indirect carrier is any entity providing two-way voice service to the public capable of receiving calls from a provider of basic local telecommunications services that receives numbering resources from a carrier rather than receiving those telephone numbers directly from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.

(12) Inventory pool is a group of unallocated thousands-blocks administered by the Thousands-Block Pooling Administrator for purposes of assignment to carriers participating in thousands-block number pooling.

(13) Local exchange telecommunications service is telecommunications service between points within an exchange.

(14) North American Numbering Plan Administrator is responsible for coordination and administration of the North American Numbering dialing plans.

(15) NPA (numbering plan area or area code) refers to the first three (3) digits of a ten (10)-digit telephone number. NPAs are of the form NXX, where N represents the digits two (2) through nine (9) and X represents any digit zero (0) through nine (9).

(16) Number conservation efforts include the efficient and effective use of finite numbering resources in order to minimize the cost and need to expand the availability of numbering resources due to the introduction of new services, capabilities, and features.

(17) Number portability means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

(18) Number Utilization Forecast is an estimate of a carrier's yearly numbering resource requirements at the thousands-block level per rate center.

(19) Part 1a is a form that allows the carrier to request a block or blocks of telephone numbers.

(20) Part 3 is a form used by the Thousands-Block Pooling Administrator to respond to a carrier's application for numbering resources.

(21) Rate center is a geographic location defined by vertical and horizontal coordinates used in applying distance-sensitive toll rates. All telephone numbers in a rate center share the same vertical and horizontal coordinates.

(22) Thousands-block number pooling is a process by which the ten thousand (10,000) telephone numbers in a central office code are separated into ten (10) sequential blocks of one thousand (1,000) telephone numbers each (thousands-blocks), and allocated separately within a rate center.

(23) Thousands-Block Pooling Administrator refers to the entity or entities responsible for administering a one thousand (1,000) block number pool.

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and should include a reference to commission Case No. TX-2007-0086. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for Monday, December 4, 2006 at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed

by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts

PROPOSED RULE

4 CSR 240-37.030 Thousands-Block Number Pooling

PURPOSE: This rule outlines time frames and guidelines for implementing thousands-block number pooling throughout Missouri pursuant to federal authority.

(1) Thousands-block number pooling for all carriers except exempt carriers shall be implemented in each Missouri rate center within thirty (30) days after the effective date of this rule unless otherwise determined by the Thousands-Block Pooling Administrator.

(2) Carriers requesting initial numbering resources from the inventory pool shall provide, upon request from the commission staff, evidence that its facilities are in place or will be in place to provide service within sixty (60) calendar days of the thousands-block activation date for the area in which the numbering resources are requested. Such evidence includes, as applicable, but is not limited to:

(A) A certificate to provide basic local telecommunications service or a license to provide commercial mobile radio service in the state of Missouri;

(B) A copy of the application submitted to the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator;

(C) Carrier developed business plans to include planned coverage area and the date(s) service will be provided; and

(D) Switch installation completion date(s).

(3) Carriers requesting growth numbering resources shall provide, upon request, to the commission staff:

(A) A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months; and

(B) The carrier's current numbering resource utilization level and its historical growth for the rate center in which it is seeking growth numbering resources.

(4) All carriers shall assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a specific customer request. This requirement shall apply to a carrier's existing numbering resources as well as any new numbering resources it obtains in the future.

(A) A carrier that opens an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block (for purposes of section (4) "assignment") shall, within ten (10) days of opening the uncontaminated thousands-block, submit a report via the commission's Electronic Filing and Information System (EFIS) unless the assignment was previously approved pursuant to 4 CSR 240-37.040. The Report shall explain why the assignment is reasonable and include, but not be limited to, the following:

1. A genuine request from a customer detailing the specific need for telephone numbers;

2. A detailed explanation as to the carrier's inability to meet the specific customer request; and

3. A demonstration that the carrier has a verifiable need for the assignment and has exhausted all other available remedies designed to avoid wasting numbering resources.

(B) A commission case may be opened to address concerns with the assignment.

1. The carrier will have the burden to prove the assignment was reasonable.

2. If directed by the commission, a carrier shall provide additional justification demonstrating the reasonableness of opening an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block.

3. Upon a finding by the commission that a carrier inappropriately assigned telephone numbers from an uncontaminated thousands-Block, the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator shall suspend assignment or allocation of any additional numbering resources to that carrier in the applicable NPA until the carrier demonstrates that it does not have sufficient numbering resources to meet a specific customer request.

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than four hundred seventy-seven thousand eight hundred fifty-four dollars (\$477,854) in the aggregate.

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FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development

Division: Missouri Public Service Commission

Chapter: Number Pooling and Number Conservation Efforts

Type of Rulemaking: Proposed

Rule Number and Name: 4 CSR 240-37.030 Thousands-block Number Pooling

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities (years 2-5):
4	Class A Local Telephone Companies	\$55,000	\$0
24	Class B Local Telephone Companies	\$407,894 See IV.6 & 7 below	\$1,192,320 See IV. 7 below
62	Class C Local Telephone Companies	\$14,960 See IV.6 & 7 below	\$51,840 See IV. 7 below
0	Class Interexchange Companies	\$0	\$0
	Class Other	\$0	\$0
	All entities	\$477,854	\$1,244,160

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are competitively classified telecommunications companies, Class Interexchange Companies are long distance providers, Class Other are any other companies receiving numbering resources from the North American Numbering Plan Administrator and the Pooling Administrator.

III. WORKSHEET

1. The proposed rule applies to all carriers operating in Missouri that have been assigned or have requested numbering resources from the North American Numbering Plan Administrator or the Thousands-block Pooling Administrator except those companies or providers that meet the definition of an exempt carrier in 4 CSR 240-37.020.

IV. ASSUMPTIONS

1. The life of the rule is estimated to be five years.
2. Fiscal year 2006 dollars were used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission and Federal Communications Commission rules and regulations.
5. Estimates are based on input from entities affected by the proposed rule.
6. Thirty-eight Class B and Class C entities estimated a one-time implementation cost of approximately \$1,300,000 if not exempted from the proposed rule. It was determined that 14 of these entities would be exempt from the proposed rulemaking.
 - These amounts are based on information the affected entities submitted to the Federal Communications Commission (FCC) and the Missouri Public Service Commission (MoPSC) in response to a related federal requirement.
 - In response to the information submitted to the FCC by the affected entities, the MoPSC informed the FCC that based on the same estimates, as provided to the MoPSC, the average one-time cost should have been approximately \$76,000, not \$1.3 million. The amount supported by MoPSC evidence was used to complete the fiscal analysis.
7. Twenty-five Class B entities estimated an additional annual cost of \$324,000 for the initial year of compliance for on-going costs.
 - These amounts are based on information the entities submitted to the Federal Communications Commission (FCC).
 - The MoPSC did not dispute this figure in its response to the FCC, as mentioned in #6 above.
 - The \$324,000 was extrapolated for all Missouri Class B entities and then adjusted to apply to only affected entities since any entity that is not technically capable of meeting this requirement is exempt from the rule.
 - The extrapolation resulted in a per company cost of \$12,960 for Class B entities and one Class C entity.
 - The fiscal estimate represents the on-going compliance costs for affected entities only
8. One Class A entity indicated that the reporting requirements of the rule would impose labor costs of approximately \$100 per hour. Since it is not known how often the reporting requirements would be invoked it is not possible to estimate a fiscal impact.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 37—Number Pooling and Number
Conservation Efforts**

PROPOSED RULE

**4 CSR 240-37.040 Requests for Review of the Decisions of the
North American Numbering Plan Administrator or the
Thousands-Block Pooling Administrator**

PURPOSE: The commission has the authority to hear claims that growth numbering resource requirements should not be applied when the North American Numbering Plan Administrator or the Pooling Administrator denies a specific request for numbering resources. This rule is the process by which a carrier requests the commission overturn the decision of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.

(1) A carrier that requests the commission overturn a decision of the North American Numbering Plan Administrator (NANPA) or the Thousands-Block Pooling Administrator (PA) to deny a carrier's request for additional numbering resources shall file an application with the commission.

(A) The burden is on the carrier requesting review to demonstrate that deviation from the growth numbering resource requirements is warranted; therefore, applications for growth numbering resources shall include, but not be limited to, the following:

1. A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months;

2. The carrier's current numbering resource utilization level, FCC Form U1 or Form 502, for the rate center in which it is seeking growth numbering resources;

3. A copy of the carrier's original request to NANPA or the PA, a copy of the carrier's Part 1a, a copy of the NANPA or PA response/confirmation Part 3;

4. A copy of the customer's request for specific numbering resources, if applicable;

5. A detailed explanation of the carrier's inability to meet the specific customer request;

6. A detailed explanation as to why the assignment is reasonable; and

7. A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to conserve numbering resources.

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and should include a reference to commission Case No. TX-2007-0086. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this pro-

posed rule is scheduled for Monday, December 4, 2006 at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 37—Number Pooling and Number
Conservation Efforts**

PROPOSED RULE

4 CSR 240-37.050 Reclamation

PURPOSE: Consistent with federal guidelines, this rule establishes guidelines as to when carriers shall return or the commission shall reclaim unused telephone numbers.

(1) Each carrier, except exempt carriers, shall return any thousands-block(s) to the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator if:

(A) The thousands-block(s) is no longer needed for the purpose for which they were requested and assigned;

(B) The carrier is no longer providing a telecommunications service that requires numbering resources; or

(C) The Central Office Code or thousands-block was not placed in service within six (6) months of receipt. If a carrier needs an extension of the six (6)-month requirement, the carrier shall file an application for extension with the commission pursuant to section (3) below.

(2) All carriers, except exempt carriers, shall donate thousands-blocks with ten percent (10%) or less contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned.

(A) Carriers shall be allowed to retain at least one (1) thousands-block per rate center, even if the thousands-block is ten percent (10%) or less contaminated.

(B) All carriers, except exempt carriers, shall maintain no more than a six (6)-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

(3) A carrier is required to place thousands-blocks in service within six (6) months. If the carrier needs an extension of the six (6)-month requirement, the following timeline shall apply since federal regulation mandates the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator shall initiate reclamation within sixty (60) days of the six (6)-month requirement:

(A) The carrier shall file an application for extension with the commission no later than ten (10) days after the six (6)-month requirement deadline.

1. The application for extension shall include:

A. The reason the Central Office Code or thousands-block was not placed in service within six (6) months;

B. The date the Central Office Code or thousands-block will be placed in service;

C. A detailed explanation as to why the extension is reasonable; and

D. A demonstration that the carrier has a verifiable need for the extension and the thousands-block(s).

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register** and should include a reference to commission Case No. TX-2007-0086. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for Monday, December 4, 2006 at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 37—Number Pooling and Number
Conservation Efforts**

PROPOSED RULE

4 CSR 240-37.060 Reporting Requirements

PURPOSE: This rule establishes procedures for a carrier to report to the commission when telephone numbers are given to an indirect carrier. The rule also includes standards for providing documentation to assist the commission in effectuating its delegated audit authority.

(1) When a carrier assigns or transfers a thousands-block to an indirect carrier, the carrier shall submit, within thirty (30) days, a notice via the commission's Electronic Filing and Information System (EFIS). The notice shall include:

(A) The NPA/NXX of the thousands-block(s) assigned or transferred; and
(B) The name of the indirect carrier receiving the thousands-block(s).

(2) Consistent with federal audit authority, a carrier shall report, upon request by the commission staff, certain information to ensure compliance with commission and Federal Communications Commission numbering rules and to monitor and verify the validity and accuracy of carrier utilization data. Such information includes, but is not limited to, all number utilization, number utilization forecast and historical trend documentation and applications. In response to such requests, a carrier shall make the requested information available at the commission's office in Jefferson City.

AUTHORITY: sections 386.210.2, RSMo Supp. 2005 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register** and should include a reference to commission Case No. TX-2007-0086. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for Monday, December 4, 2006 at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
**Division 50—Division of [Instruction] School
Improvement**
Chapter 200—Gifted and Alternative Programs

PROPOSED AMENDMENT

5 CSR 50-200.010 Programs for Gifted Children. The State Board of Education proposes to amend the Purpose, sections (1)–(4), the incorporated by reference material, delete forms at the end of rule and sections (5), (7), (9), (10) and amend and renumber sections (6) and (8).

PURPOSE: The implementation of the new foundation formula calculations that fold gifted monies into the basic state aid for school districts requires a change in the existing administrative rule to eliminate references to funding. Hence, the administrative rule now pertains to only section 162.720, RSMo. The Department of Elementary and Secondary Education has the responsibility under section 162.720, RSMo to approve applications for special programs for gifted students. This rule establishes the standards for program approval and administrative procedures for the programs.

PURPOSE: The Department of Elementary and Secondary Education[, referred to as the department,] has the responsibility under section 162.720, RSMo to approve applications for special programs for gifted students. [and provide state aid to school districts for these programs.] This rule establishes the standards for program approval [and establishes the allowable cost] and administrative procedures for the programs.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule

shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For the purposes of special programs for gifted students [*eligible for state aid, gifted students are defined as those children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered or expected in the regular school program of the district. The special programs for these gifted students*] the programs shall be designed in the [*general*] academic area, the fine arts, or both.

(2) Annually, the [*department*] **Department of Elementary and Secondary Education (DESE)** solicits applications from eligible elementary and secondary school districts, which shall be due as of a date and in a form established by [*the department*] DESE. Anyone interested in receiving a copy of the *2006-2007 General Administrative Procedures for Gifted Programs* (August 2006), which is incorporated by reference and made a part of this rule, as published by DESE, may contact the Gifted Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 or by downloading a copy from the Internet. This rule does not incorporate any subsequent amendments or additions.

(3) **Approved a/Applications** [*for state reimbursement, to be approvable,*] must demonstrate that the applicant has[–]:

(A) Established a systematic process for identification and selection of gifted students. This process shall use multiple criteria for identification and selection such as, but not limited to, objective measures and competent professional evaluation; and

[*(B) Maintained on file in the district—the project goals and learner objectives which should be achieved by gifted students participating in the program; the program activities of the project which shall be beyond the level normally provided in regular school programs and which contribute particularly to meeting the identified unmet needs of gifted students; information to show that the program for which state aid is requested will not supplant services offered in the regular school program; and an evaluation design which will be used to determine the effectiveness of the project as a whole and the project's impact upon participating students;*]

[*(C) Listed the number of gifted students in the project and the amount of time gifted students will spend in the state-funded program;*]

[*(D)(B) Listed each individual instructional staff position [for which state aid is requested] and for each position, the amount of time which will be spent [*exclusively*] in the [*state-assisted*] gifted program, the number of gifted students to be served and the delivery system to be used [; and].*

[*(E) Listed the total amount of money to be expended on each type of special instructional materials for which state aid is requested.]*

(4) [*The number of gifted students in the state-funded program shall be no more than five percent (5%) of the enrollment in the school(s) or grade level(s) to be served by the project if the program is designed to encompass general academic areas. Districts may petition the department for permission to exceed the five percent (5%) limit in the number of students served in these academic programs. Permission to exceed the five percent (5%) limit shall be applicable only to the time period covered by the program application. The number of gifted students to be served may be no more than two percent (2%) of the enrollment in participating school(s)*]

or grade level(s) if the program is limited to the fine arts.] For approved programs, districts shall maintain on file in the district:

(A) The project goals and learner objectives which should be achieved by gifted students participating in the program;

(B) The program activities of the project which shall be beyond the level normally provided in regular school programs and which contribute particularly to meeting the identified unmet needs of gifted students; and

(C) The results of an annual evaluation used to determine the effectiveness of the project as a whole and the project's impact upon participating students.

[*(5) Instructional personnel in the staff positions for which state aid is approved under the special program for gifted students must hold a valid Missouri teaching certificate at the grade level(s) or in subject area(s) which they are assigned to teach. If a teacher is responsible for teaching in an area for which Missouri certification is not available, the teacher must have a valid Missouri teaching certificate in a related area, at the grade level(s) served, and competencies in the teaching area. After September 1, 1995, in order to receive funding for gifted education programs, a district must employ certificated teachers in the area of gifted education.]*

[*(6)(5) Instructional personnel [time for which state aid is approved under] in the program for gifted students shall [be used exclusively to serve students who are identified as gifted and are designated as participants in the approved special program for gifted students.] possess the appropriate certification for the gifted program service they are providing.*

[*(7) Only special materials which are beyond those ordinarily provided in regular public schools programs are required to achieve the project goals and objectives will be approved by the department. Local school districts may be provided state aid under section 162.975, RSMo for not more than seventy-five percent (75%) of the following costs of the special program for gifted students if these costs are included in project applications and approved by the department.]*

[*(A) Salaries, fixed charges and other fringe benefits regularly provided for instructional personnel at the rate applied to all other staff members with similar qualifications and duties. The cost for salaries, fixed charges and other fringe benefits shall not exceed the costs that would be required to appropriately serve five percent (5%) of the target populations in the school(s) or grade level(s) included in the state funded programs; and]*

[*(B) Costs of special instructional materials approved on the project application, not to exceed fifty dollars (\$50) per pupil. The costs of special instructional materials shall not exceed fifty dollars (\$50) times the number of students equal to five percent (5%) of the target populations in the school(s) or grade level(s) served by the state funded program.]*

[*(8)(6) Instructional positions and assignments approved in a gifted [project] application shall be [supported by names of staff members and assignments] reported to [*the department*] DESE on the annual core data reports.*

[*(9) At the end of the school year, the school district shall file an amended budget summary with the department reflecting the actual amount expended for instructional salaries and special materials approved in the project application. If the state aid paid to a district exceeds the established reimbursement percent of the actual expenditures for salaries or for special materials, the department will make the appropriate adjustment in the subsequent school year's state aid.*

[(10) The school district shall maintain auditable records of approved project expenditures.]

AUTHORITY: sections [162.685 and] 162.720, RSMo [1986] 2000 and [162.975] 161.092 and 162.675, RSMo. Supp. [1993] 2005. This rule was previously filed as 5 CSR 70-742.120. Original rule filed May 20, 1974, effective May 30, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 20, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: David Welch, Director, Gifted Education, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.062 Construction Permits By Rule. The commission proposes to amend subsection (3)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule creates a process by which sources can be exempt from 10 CSR 10-6.060 Construction Permits Required, by establishing conditions under which specific sources can construct and operate. This amendment adds language that states that the department has seven (7) days to do a pre-construction permit review. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the *Federal Register* notice dated July 11, 2006 and the Missouri Air Conservation Commission's resolution dated December 8, 2005.

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions, as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or

will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which operators can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification. *[(Upon notification, the operator may begin construction and operation of the new source.)]*

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars (\$700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. *[(Upon completion of an initial on-site compliance review, the permit-by-rule notification shall be approved)]* Upon receiving the notification, the department shall complete a pre-construction review of the notification within seven (7) days. After review of the notification and approval by the department, the operator may begin construction and operation of the new source.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed Sept. 27, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen. The commission proposes to add new subsections (1)(E) and (1)(F). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is

available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: *The purpose of this rule is to reduce the emissions of nitrogen oxides (NO_x) and establish a NO_x emissions trading program for the state of Missouri. This rule amendment will add a clause to void the requirement of this rule which will be unnecessary once the seasonal trading rule for nitrogen oxides is implemented. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Interstate Rule published on May 12, 2005.*

(1) Applicability.

(E) **Affected sources in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis have the option of whether or not to participate in the state-wide NO_x rule, 10 CSR 10-6.350, once the NO_x Budget Trading Program, 10 CSR 10-6.360, is implemented, provided that the emission rate of each unit does not exceed 0.25 or 0.18 pound per million British thermal units (lb/mmBtu), whichever is applicable, taking into consideration emission allowances from Missouri sources.**

(F) **The requirements of sections (3), (4), and (5) of this rule will cease to apply on the implementation date in Missouri rule 10 CSR 10-6.364.**

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Feb. 15, 2000, effective Sept. 30, 2000. Amended: Filed Dec. 4, 2002, effective Aug. 30, 2003. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers. The commission proposes to amend subsections (1)(B) and (4)(E); and add new subsection (1)(H). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: *This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. The rule establishes an emission budget for large electric generating units and non-electric generating boilers. This rule amendment will add a clause to void the requirement of this rule which will be unnecessary once the seasonal trading rule for nitrogen oxides is implemented. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Interstate Rule published on May 12, 2005.*

(1) Applicability.

(B) The following units shall be NO_x budget units, and any source that includes one (1) or more such units shall be a NO_x budget source, subject to the requirements of this rule:

1. Electric generating units that serve a generator with a nameplate capacity greater than twenty-five megawatts (25 MW) and—

A. For non-cogeneration units—

(I) Commenced operation before January 1, 1997, and served a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996; or

(II) Commenced operation in 1997 or 1998 and served a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or

(III) Commenced operation on or after January 1, 1999, and served or serves at any time a generator producing electricity for sale; and

B. For cogeneration units—

(I) Commenced operation before January 1, 1997, and failed to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for 1995 or 1996 under the Acid Rain Program; or

(II) Commenced operation in 1997 or 1998 and failed to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for 1997 or 1998 under the Acid Rain Program; or

(III) Commenced operation on or after January 1, 1999, and failed or fails to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for any year under the Acid Rain Program; and

2. Non-electric generating boilers, **combined cycle systems**, and **combustion turbines** that have a maximum design heat input greater than two hundred fifty (250) million British thermal units per hour (mmBtu/hr) and—

A. For non-cogeneration [boilers] units—

(I) Commenced operations before January 1, 1997, and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996; or

(II) Commenced operations in 1997 or 1998 and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or

(III) Commenced operation on or after January 1, 1999, and:

(a) At no time served or serves a generator producing electricity for sale; or

(b) At any time served or serves a generator with a nameplate capacity of twenty-five (25) MW or less producing electricity for sale, and with the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit; and

B. For cogeneration *[boilers]* units—

(I) Commenced operation before January 1, 1997, and qualified as an unaffected unit under 40 CFR 72.6(b)(4) for 1995 or 1996 under the Acid Rain Program; or

(II) Commenced operation in 1997 or 1998 and qualified as an unaffected unit under 40 CFR 72.6(b)(4) for 1997 or 1998 under the Acid Rain Program; or

(III) Commenced operation on or after January 1, 1999, and qualified or qualifies as an unaffected unit under 40 CFR 72.6(b)(4) for each year under the Acid Rain Program.

(H) The requirements of sections (3), (4), and (5) of this rule will cease to apply on the implementation date in Missouri rule 10 CSR 10-6.364.

(4) Reporting and Record Keeping.

(E) Record Keeping and Reporting.

1. General provisions.

A. The NO_x authorized account representative shall comply with all record keeping and reporting requirements in this section and with the requirements of subparagraph (3)(B)1.E. of this rule.

B. If the NO_x authorized account representative for a NO_x budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under subpart F or G of 40 CFR 75 and which includes data and information required under section (4) of this rule or subpart H of 40 CFR 75 is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR 72, the submission must also be signed by the designated representative or the alternative designated representative.

2. Monitoring plans.

A. The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan shall also include all of the information required by subpart H of 40 CFR 75.

B. The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by subpart H of 40 CFR 75.

3. Certification applications. The NO_x authorized account representative shall submit an application to the permitting authority within forty-five (45) days after completing all initial certification or recertification tests required under subsection (4)(B) of this rule including the information required under subpart H of 40 CFR 75.

4. Quarterly reports. The NO_x authorized account representative shall submit quarterly reports, as follows:

A. If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of section (4) of this rule, the NO_x authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

(I) For units that elect to comply with the early reduction credit provisions under paragraph (3)(F)6. of this rule, the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification;

(II) For units commencing operation prior to May 1, 2006 that are not required to certify monitors by May 1, 2005 under subparagraph (4)(A)2.A. of this rule, the earlier of the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1, 2006, the partial *[calendar]* calendar quarter from May 1, 2006 through June 30, 2006. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2006; or

(III) For a unit that commences operation after May 1, 2006, the calendar quarter in which the unit commences operation.

Data shall be reported from the date and hour corresponding to when the unit commenced operation.

B. If a NO_x budget unit is not subject to an acid rain emission limitation, then the NO_x authorized account representative shall either:

(I) Meet all of the requirements of 40 CFR 75 related to monitoring and reporting mass emissions during the entire year and meet the reporting deadlines specified in subparagraph (4)(E)4.A. of this rule; or

(II) Submit quarterly reports only for the periods from the earlier of May 1 or the date and hour that the owner or operator successfully completes all of the recertification tests required under 40 CFR 75.74(d)(3) through September 30 of each year in accordance with the provisions of 40 CFR 75.74(b). The NO_x authorized account representative shall submit a quarterly report for each calendar quarter, beginning with:

(a) For units that elect to comply with the early reduction credit provisions under paragraph (3)(F)6. of this rule, the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification;

(b) For units commencing operation prior to May 1, 2006 that are not required to certify monitors by May 1, 2005 under subparagraph (4)(A)2.A. of this rule, the earlier of the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule, or if the certification tests are not completed by May 1, 2006, the partial *[calendar]* calendar quarter from May 1, 2006 through June 30, 2006. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2006;

(c) For units that commence operation after May 1, 2006 during the control period, the *[calendar]* calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation;

(d) For units that commence operation after May 1, 2006 and before May 1 of the year in which the unit commences operation, the earlier of the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation; or

(e) For units that commence operation after May 1, 2006 and after September 30 of the year in which the unit commences operation, the earlier of the *[calendar]* calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

C. The NO_x authorized account representative shall submit each quarterly report to the administrator within thirty (30) days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of 40 CFR 75 and 40 CFR 75.64.

(I) For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in subpart H of 40 CFR 75 for each NO_x budget unit (or group of units using a common stack) as well as information required in subpart G of 40 CFR 75.

(II) For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and

information required in subpart H of 40 CFR 75 for each NO_x budget unit (or group of units using a common stack).

D. Compliance certification. The NO_x authorized account representative shall submit to the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(I) The monitoring data submitted were recorded in accordance with the applicable requirements of this rule and 40 CFR 75, including the quality assurance procedures and specifications;

(II) For a unit with add-on emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate emissions; and

(III) For a unit that is reporting on a control period basis under paragraph (4)(E)4. of this rule, the NO_x emission rate and concentration values substituted for missing data under subpart D of 40 CFR 75 are calculated using only values from a control period and do not systematically underestimate emissions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Feb. 14, 2005, effective Oct. 30, 2005. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.362 Clean Air Interstate Rule Annual NO_x Trading Program. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. The Clean Air Interstate Rule was published on May 12, 2005. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Interstate Rule published on May 12, 2005.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule—

1. The following units in this state shall be Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) units, and any source that includes one (1) or more such units shall be a CAIR NO_x source, subject to the requirements of this rule: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) megawatts electric (MWe) producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under paragraph (1)(A)1. of this rule, is not a CAIR NO_x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than twenty-five (25) MWe producing electricity for sale, the unit shall become a CAIR NO_x unit as provided in paragraph (1)(A)1. of this rule on the first date on which it both combusts fossil fuel and serves such generator.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR NO_x units—

1. Cogenerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(I) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985-1987 exceeding eighty percent (80%) (on a British thermal unit (Btu) basis) and an average annual fuel consumption of

non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the subsections of 40 CFR 96.105 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsections 40 CFR 96.102 and 96.103 of 40 CFR 96 subpart AA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Unless otherwise noted in this section of the rule, 40 CFR 96.106, 96.107, and 96.108 as well as all of the subsections of 40 CFR 96 subparts BB, CC (excluding any reference to 40 CFR 96 subpart EE), DD, FF, GG, and II promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) NO_x Allowances.

1. Timing requirements for CAIR NO_x allowance allocations.

A. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar years in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations listed in Table I of this rule.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year beginning 2015 and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

C. By October 31, 2015 and October 31 of every tenth year following, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year ten (10) years in the future and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

2. NO_x allowance allocations.

A. The state trading program NO_x budget allocated by the

director under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a calendar year will equal fifty-nine thousand eight hundred seventy-one (59,871) tons for 2009–2014 and forty-nine thousand eight hundred ninety-two (49,892) tons for 2015 and beyond.

B. The following NO_x budget units shall be allocated NO_x allowances for each calendar year in accordance with Table I of paragraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide Pool	NO _x Allocation 2009-2014	NO _x Allocation 2015 and Beyond
2076	ASBURY	1	1.842%	1,097	914
2079	HAWTHORN STATION	5A	5.531%	3,294	2,743
2079	HAWTHORN STATION	6	0.053%	31	26
2079	HAWTHORN STATION	7	0.031%	18	15
2079	HAWTHORN STATION	8	0.027%	16	13
2079	HAWTHORN STATION	9	0.116%	69	58
2080	MONTROSE STATION	1	1.530%	911	759
2080	MONTROSE STATION	2	1.589%	947	788
2080	MONTROSE STATION	3	1.581%	942	784
2081	NORTHEAST #11		0.005%	3	2
2081	NORTHEAST #12		0.004%	2	2
2081	NORTHEAST #13		0.011%	7	6
2081	NORTHEAST #14		0.009%	5	5
2081	NORTHEAST #15		0.008%	4	4
2081	NORTHEAST #16		0.005%	3	2
2081	NORTHEAST #17		0.011%	6	5
2081	NORTHEAST #18		0.007%	4	3
2082	FAIRGROUNDS		0.004%	2	2
2092	RALPH GREEN	3	0.015%	9	8
2094	SIBLEY	1	0.514%	306	255
2094	SIBLEY	2	0.512%	305	254
2094	SIBLEY	3	3.319%	1,977	1,646
2096	AMEREN VIADUCT		0.001%	—	—
2098	LAKE ROAD	6	0.910%	542	452
2098	LAKE ROAD	5	0.009%	5	4
2102	HOWARD BEND		0.002%	1	1
2103	LABADIE	1	4.890%	2,913	2,425
2103	LABADIE	2	5.033%	2,998	2,496
2103	LABADIE	3	5.589%	3,329	2,772
2103	LABADIE	4	5.009%	2,984	2,484
2104	MERAMEC	1	1.225%	730	607
2104	MERAMEC	2	1.134%	676	562
2104	MERAMEC	3	1.966%	1,171	975
2104	MERAMEC	4	2.985%	1,778	1,480
2104	MERAMEC	GT1	0.000%	2	2
2104	MERAMEC	GT2	0.000%	3	2
2107	SIOUX	1	3.891%	2,318	1,930
2107	SIOUX	2	3.832%	2,282	1,900
2122	CHILLICOTHE		0.003%	2	2
2123	COLUMBIA	6	0.068%	41	34
2123	COLUMBIA	7	0.073%	44	36
2123	COLUMBIA	8	0.001%	1	—
2132	BLUE VALLEY POWER	3	0.270%	161	134
2132	BLUE VALLEY POWER	GT1	0.000%	—	—
2161	JAMES RIVER	GT1	0.025%	15	12
2161	JAMES RIVER	GT2	0.015%	9	8
2161	JAMES RIVER	3	0.492%	293	244
2161	JAMES RIVER	4	0.604%	360	300
2161	JAMES RIVER	5	1.031%	614	511
2167	NEW MADRID POWER PLANT	1	4.611%	2,747	2,287
2167	NEW MADRID POWER PLANT	2	5.095%	3,035	2,527
2168	THOMAS HILL ENERGY CENTER	MB1	1.891%	1,126	938
2168	THOMAS HILL ENERGY CENTER	MB2	2.792%	1,663	1,385
2168	THOMAS HILL ENERGY CENTER	MB3	6.793%	4,046	3,369
2169	CHAMOIS POWER PLANT	2	0.530%	315	263
6065	IATAN STATION	1	6.699%	3,990	3,322
6074	GREENWOOD ENERGY CENTER	1	0.021%	12	10
6074	GREENWOOD ENERGY CENTER	2	0.020%	12	10
6074	GREENWOOD ENERGY CENTER	3	0.024%	14	12
6074	GREENWOOD ENERGY CENTER	4	0.025%	15	12
6155	RUSH ISLAND	1	4.838%	2,882	2,399
6155	RUSH ISLAND	2	4.613%	2,748	2,287
6195	SOUTHWEST	1	2.248%	1,339	1,115
6195	SOUTHWEST	CT1A	0.005%	3	2
6195	SOUTHWEST	CT1B	0.005%	3	2

6195	SOUTHWEST	CT2A	0.005%	3	2
6195	SOUTHWEST	CT2B	0.005%	3	2
6223	Empire	3A	0.004%	2	2
6223	Empire	3B	0.004%	2	2
6223	Empire	4A	0.003%	2	2
6223	Empire	4B	0.003%	2	2
6563	Empire—Energy Center 1		0.036%	21	18
6563	Empire—Energy Center 2		0.031%	19	16
6650	Mexico		0.003%	2	2
6651	Moberly		0.002%	2	1
6652	Moreau		0.003%	2	2
6768	SIKESTON	1	2.612%	1,556	1,295
7296	STATE LINE UNIT 1	1	0.131%	78	65
7296	STATE LINE UNIT 1	2-1	0.204%	122	101
7296	STATE LINE UNIT 1	2-2	0.256%	153	127
7604	ST. FRANCIS POWER PL	1	0.155%	92	77
7604	ST. FRANCIS POWER PL	2	0.117%	70	58
7749	ESSEX POWER PLANT	1	0.018%	11	9
7754	NODAWAY POWER PLANT	1	0.019%	11	9
7754	NODAWAY POWER PLANT	2	0.018%	11	9
7848	HOLDEN POWER PLANT	1	0.004%	2	2
7848	HOLDEN POWER PLANT	2	0.006%	4	3
7848	HOLDEN POWER PLANT	3	0.004%	2	2
7903	MCCARTNEY	MGS1A	0.002%	1	1
7903	MCCARTNEY	MGS1B	0.002%	1	1
7903	MCCARTNEY	MGS2A	0.002%	1	1
7903	MCCARTNEY	MGS2B	0.002%	1	1
7964	PENO CREEK ENRGY CTR	CT1A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT1B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT2A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT2B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT3A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT3B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT4A	0.003%	1	1
7964	PENO CREEK ENRGY CTR	CT4B	0.002%	1	1
8567	Higginsville		0.006%	3	3
55178	MEP PLEASANT HILL	CT-1	0.166%	99	82
55178	MEP PLEASANT HILL	CT-2	0.153%	91	76
55234	AUDRAIN GENERATING	CT1	0.001%	1	1
55234	AUDRAIN GENERATING	CT2	0.001%	1	—
55234	AUDRAIN GENERATING	CT3	0.001%	1	—
55234	AUDRAIN GENERATING	CT4	0.001%	1	—
55234	AUDRAIN GENERATING	CT5	0.001%	1	1
55234	AUDRAIN GENERATING	CT6	0.000%	—	—
55234	AUDRAIN GENERATING	CT7	0.000%	—	—
55234	AUDRAIN GENERATING	CT8	0.001%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT03	0.001%	1	—
55447	COLUMBIA ENERGY CTR	CT04	0.001%	—	—
Energy Efficiency/Renewable Energy set aside				300	300
Total				59,870	49,892
100.000%					

C. Any unit subject to section (1) of this rule other than those listed in Table I of this subsection will not be allocated NO_x budget allowances under this rule.

D. *Reserved.*

E. Any person seeking set aside allowances for energy efficiency and renewable generation projects shall meet the requirements of subparagraph (3)(B)2.E. of this rule.

(I) The purpose for establishing this set-aside is to allocate allowances to serve as incentives for saving or generating electricity through the implementation of energy efficiency and renewable generation projects as defined in this section.

(a) Each energy efficiency and renewable generation set-aside shall contain the number of NO_x allowances as provided in Table I of this subsection.

(b) Awards of allowances will be available only to eligible energy efficiency or renewable generation projects that—

I. Commence operation after September 1, 2005;

II. Reduce electricity use, generate electricity from renewable resources or provide combined heat and power benefits during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008 through December 31, 2008 or subsequent twelve (12)-month energy efficiency/renewable energy project periods; and

III. In an application submitted by March 1 of each year, include adequate documentation of these energy savings, renewable energy generation or combined heat and power benefits.

(c) Projects will be awarded allowances for the control period following the twelve (12)-month energy efficiency/renewable energy project period during which the qualifying project activities took place. For example, sponsors of project activities that take place during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008 through December 31, 2008 will receive allowances for the 2009 control period.

(d) Eligible projects located in Missouri may qualify for awards from the set-aside for up to seven (7) consecutive control periods. Eligible projects located outside Missouri may qualify for awards for up to five (5) consecutive control periods.

(e) Department actions on applications for awards from the set-aside. The department shall act upon applications as follows:

I. By May 31 of the control period for which NO_x allowances are requested, the department shall take the following actions:

a. For each application, the department shall determine whether the project is eligible and the application is complete and shall notify the applicant of its determination; and

b. For the eligible and complete applications, the department shall calculate the total number of allowances which the projects are qualified to receive, not to exceed the total number of allowances allocated to the set-aside as provided in Table I of this subsection, and shall award said allowances to eligible energy efficiency or renewable generation projects.

II. If the number of allowances awarded is fewer than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall transfer surplus allowances to the accounts of the electric utilities listed in Table I of this subsection on a pro rata basis in the same proportion as allocations to NO_x budget units set forth in Table I of this subsection.

III. If the number of allowances claimed for award is more than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall allocate awards to sponsors of eligible projects as follows:

a. Up to the first one hundred fifty (150) allowances in the set-aside shall be awarded for eligible projects located in Missouri, as follows. Up to the first sixty (60) allowances shall be awarded for eligible energy efficiency projects in the order that the projects first achieved eligible status. The remaining allowances shall be awarded for eligible projects located in Missouri

in the order the projects first achieved eligible status, regardless of the type of project; and

b. The remaining allowances in the set-aside shall be awarded for eligible projects on a pro rata basis in proportion to total remaining claims for awards, regardless of project location.

(II) Project eligibility. Allocations from the energy efficiency and renewable generation set-aside may be requested by any entity, including an electric utility listed in Table I of this subsection or its affiliate, that implements and demonstrates eligible projects as defined in this subparagraph.

(a) Eligibility requirements. The department shall establish requirements for project eligibility and shall determine which projects are eligible to receive awards from the set-aside.

(b) Only the following shall be eligible for awards from the set-aside:

I. Energy efficiency projects resulting in reduced or more efficient electricity use through the voluntary installation, replacement, or modification of equipment, fixtures, or materials in a building or facility.

a. Energy efficiency projects may be directed toward or located within buildings or facilities owned, leased, operated or controlled by an electric utility listed in Table I of this subsection or its affiliate. Eligibility requirements for these projects shall be the same as for any other energy efficiency project.

b. Energy efficiency projects may include demand side programs that result in reduced or more efficient electricity use;

II. Renewable generation projects, includes electric generation from wind, photovoltaic systems, biogas and hydropower projects. Renewable generation projects do not include nuclear power projects. Eligible biogas projects include projects to generate electricity from methane gas captured from sanitary landfills, wastewater treatment plants, sewage treatment plants or agricultural livestock waste treatment systems. Eligible hydropower projects are restricted to systems—

a. That are certified by the Low Impact Hydropower Institute;

b. That employ a head of ten (10) feet or less; or

c. Employing a head greater than ten feet (10') that make use of a dam that existed prior to the effective date of this rule;

III. Renewable biomass generation projects include projects in which one (1) or more biomass fuels is fired separately or co-fired with one (1) or more fossil fuels to generate electricity. Biomass includes wood and wood waste, energy crops such as switchgrass and agricultural wastes such as crop and animal waste. Electric generation from combustion of municipal solid waste is not included; and

IV. Combined heat and power (CHP) projects that use integrated technologies, including cogeneration, which convert fuel to electric, thermal, and mechanical energy for on-site or local use. In the case of electricity generation, combined heat and power can include export of power to the local electric utility transmission grid. The thermal energy from combined heat and power systems can be created and used in the form of steam, hot or chilled water for process, space heating or cooling, or other applications. To be eligible, the combined heat and power installation must meet or exceed technology-specific efficiency thresholds that will be established by the department.

(c) Additional eligibility requirements shall include the following:

I. Project information must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. Only projects that are not required by federal government regulation and that are not and will not be used to generate compliance or permitting credits otherwise in the state implementation plan (SIP) are eligible to receive allowances from the set-aside;

III. Only electricity generation or savings that are not

the basis for an award of CAIR annual NO_x allowance from a set-aside in another state's CAIR annual NO_x rule can be the basis for a claim from the Missouri set-aside;

IV. Only projects that equal at least one (1) ton of NO_x emissions, using conventional arithmetic rounding, are eligible to receive allowances from the set-aside. Multiple projects may be aggregated into a single allowance allocation request to equal one (1) or more tons of NO_x emissions;

V. Only projects that commence operation after September 1, 2005, are eligible to receive allowances from the set-aside;

VI. Sponsors must establish a trading account in EPA's NO_x Allowance Tracking System (NATS). The application for an award from the set-aside must be submitted to the department by the authorized account representative or alternate authorized account representative for the trading account; and

VII. Location of eligible projects.

a. To be eligible, an energy efficiency project or combined heat and power project must be located within Missouri.

b. To be eligible, a renewable generation project or biomass generation project may be located within or outside of Missouri and must meet the following criteria:

(i) The number of allowances awarded to a renewable generation project or biomass generation project located within or outside of Missouri shall be calculated based on the amount of power the facility delivers to Missouri end-use customers. The sponsor must certify and demonstrate the amount of power from the renewable generation project or biomass generation project that is delivered to Missouri end-use customers; and

(ii) If the renewable generation project or biomass generation project is located outside of Missouri, the project must be sponsored by a Missouri electric generation and transmission cooperative, a Missouri electric distribution utility or the affiliate of a Missouri electric distribution utility. For the purpose of this rule, "affiliate" shall be defined as in 4 CSR 240-20.010.

(d) Pre-application project review. Sponsors of new energy efficiency/renewable energy projects must submit a request for pre-application project review by March 31 of the year prior to the control period for which set-aside awards will be claimed. For example, a project sponsor intending to apply for an award of 2009 control period allowances must request a pre-application project review by March 31, 2008, and may request the review at any time prior to that date. Pre-application project reviews will cover eligibility requirements and proposed measurement and verification procedures. The request for pre-application project review must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

(e) Eligibility for any project may be claimed by only one (1) entity. The department shall determine procedures to be followed if multiple claims of eligibility for the same project are received.

(III) Applications and calculations of awards. To qualify for an award of allowances from the set-aside an applicant must meet the following requirements:

(a) The project must be eligible as provided in part (3)(B)2.E.(II) of this rule;

(b) By March 1 following the twelve (12)-month EE/RE project period during which the eligible project activities occurred, the department must receive a complete application that meets the following requirements:

I. The application shall be prepared on forms provided by the department and must be submitted by the project's authorized NO_x account representative or alternate authorized representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. The applicant must demonstrate electricity savings or renewable generation and calculate the NO_x allowance award requested using methods that adhere to measurement and verification standards approved by the department. The department shall have the right to require verification of data and calculations that are presented in an application as a condition for awarding allowances to the applicant. Verification may include site visits by agents of the department; and

III. If the applicant intends to reapply in subsequent years, the application must indicate the stream of benefits that is expected in subsequent years;

(c) The department shall determine methods for calculating awards of allowances based upon the following principles:

I. Allowances awarded to end-use electrical energy efficiency projects shall be calculated as the number of MWh of electricity saved during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding. The department shall provide a factor to adjust the calculation of electricity saved to account for transmission and distribution line losses;

II. Allowances awarded to renewable generation projects from wind, photovoltaic systems, biogas and hydropower projects shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding;

III. Allowances awarded to renewable biomass generation projects shall be calculated based on net NO_x emission reductions, appropriately converted and rounded to tons using conventional arithmetic rounding where—

a. Net NO_x emissions shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh, minus the tons of NO_x emitted by the renewable generating project during the twelve (12)-month energy efficiency/renewable energy project period; and

b. When biomass is co-fired with other fuels, its share of electric generation and NO_x emissions shall be calculated based on its share of the total heat content of all fuels used in the co-firing process; and

IV. Allowances awarded to combined heat and power (CHP) projects shall be calculated based on the difference between actual NO_x emissions from the CHP system and the NO_x emissions that would be emitted by an equivalent business-as-usual (BAU) system. An equivalent BAU system consists of a conventional power plant that produces electricity plus a conventional industrial boiler that produces useful heat (heat used for space, water or industrial process heat). The department shall provide efficiency and NO_x emission rates to be used in calculating NO_x emissions from the equivalent BAU system. In addition, to qualify for an award, a CHP system shall be required to achieve an efficiency threshold. The threshold shall be set by the department and the efficiency of the CHP system shall be calculated based on a method provided by the department; and

(d) The sponsor of a project located in Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional six (6) consecutive control periods by meeting the following requirements. The sponsor of a project located outside of Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional four (4) consecutive control periods by meeting the following requirements:

I. Reapplication must be received by March 1 following the last day of the twelve (12)-month energy efficiency/renewable energy project period during which the energy efficiency and renewable electric generation activities took place; and

II. The reapplication must be prepared on forms provided by the department and must be submitted by the project's

authorized NO_x account representative or alternate authorized representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

3. Compliance supplement pool.

A. For any CAIR NO_x unit in the state that achieves NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, the CAIR designated representative of the unit may request early reduction credits, and allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The owners and operators of such CAIR NO_x unit shall monitor and report the NO_x emissions rate and the heat input of the unit in accordance with section (4) of this rule in each calendar year for which early reduction credit is requested;

(II) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009 a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the sum of the amounts (in tons) of the unit's NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, determined in accordance with section (4) of this rule; and

(III) For acid rain units that do not have an applicable NO_x emission limit, the acid rain NO_x emission rate limit that would have applied had the unit been limited by acid rain NO_x requirements or state emission rate limit shall be utilized to determine the number of potential CAIR NO_x allowances those units may receive.

B. For any CAIR NO_x unit in the state whose compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year, the CAIR designated representative of the unit may request the allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009 a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the minimum amount of CAIR NO_x allowances necessary to remove such undue risk to the reliability of electricity supply; and

(II) In the request under paragraph (3)(B)3. of this rule, the CAIR designated representative of such CAIR NO_x unit shall demonstrate that, in the absence of allocation to the unit of the amount of CAIR NO_x allowances requested, the unit's compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year. This demonstration must include a showing that it would not be feasible for the owners and operators of the unit to:

(a) Obtain a sufficient amount of electricity from other electricity generation facilities, during the installation of control technology at the unit for compliance with the CAIR NO_x emissions limitation, to prevent such undue risk; or

(b) Obtain under subparagraphs (3)(B)3.A. and C. of this rule, or otherwise obtain, a sufficient amount of CAIR NO_x allowances to prevent such undue risk.

C. The permitting authority will review each request under subparagraphs (3)(B)3.A. and B. of this rule submitted by May 1, 2009 and will allocate CAIR NO_x allowances for the calendar year 2009 to CAIR NO_x units in the state and covered by such request as follows:

(I) Upon receipt of each such request, the permitting authority will make any necessary adjustments to the request to ensure that the amount of the CAIR NO_x allowances requested meets the requirements of subparagraph (3)(B)3.A. or B. of this rule;

(II) If the total amount of CAIR NO_x allowances in all

requests (as adjusted under part (3)(B)3.C.(I) of this rule) is not more than nine thousand forty-four (9,044), the permitting authority will allocate to each CAIR NO_x unit covered by such requests the amount of CAIR NO_x allowances requested (as adjusted under part (3)(B)3.C.(I) of this rule); and

(III) If the total amount of CAIR NO_x allowances in all requests (as adjusted under part (3)(B)3.C.(I) of this rule) is more than nine thousand forty-four (9,044), the permitting authority will allocate CAIR NO_x allowances to each CAIR NO_x unit covered by such requests as follows:

(a) The compliance supplement pool shall be divided into two (2) pools of three thousand fifteen (3,015) allowances and six thousand twenty-nine (6,029) allowances each;

(b) Units located in Buchanan, Jackson or Jasper County that combust at least one hundred thousand (100,000) passenger tire equivalents in each of 2007 and 2008 shall be eligible to request CAIR NO_x allowances from the smaller pool;

(c) CAIR NO_x allowances from the smaller pool shall be allocated according to the following formula:

Unit's allocation = Unit's adjusted allocation × (3,015/Total adjusted allocations for eligible units)

Where:

"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.

"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.

"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under paragraph (3)(B)1. of this rule by the units identified in subpart (3)(B)3.C.(III)(b) of this rule.

(d) Units that receive CAIR NO_x allowances from the smaller portion of the compliance supplement pool shall not be eligible to receive CAIR NO_x allowances from the remaining portion of the compliance supplement pool; and

(e) Any CAIR NO_x allowances not allocated under subparagraph (3)(C)3.C. shall be added to the pool of six thousand twenty-nine (6,029) allowances and allocated according to the following formula:

Unit's allocation = Unit's adjusted allocation × ((6,029 + Remainder from first allocation)/Total adjusted allocations for eligible units)

Where:

"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.

"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.

"Remainder from first allocation" is the amount of CAIR NO_x allowances from the smaller pool not allocated under subparagraph (3)(C)3.C.

"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested for all units under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule by units that were not allocated CAIR NO_x allowances under subparagraph (3)(C)3.C. of this rule; and

4. By November 30, 2009, the permitting authority will determine, and submit to the administrator, the allocations under subparagraphs (3)(B)3.C. and E. of this rule; and

5. By January 1, 2010, the administrator will record the allocations under part (3)(B)3.C.(IV) of this rule.

(4) Reporting and Record Keeping. Unless otherwise noted in this section of the rule, all of the subsections of 40 CFR 96 subpart HH promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$143,972,996 over the life of the rule. The fiscal year 2008 cost is expected to be eight hundred three thousand two hundred two dollars (\$803,202). Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities \$1,767,610,816 over the life of the rule. The cost for fiscal year 2008 is estimated to be \$2,400,000. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.362 Clean Air Interstate Rule Annual NO_x Trading Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources	\$64,040
22 Publicly Owned Electric Generating Units	\$143,908,956
Total Aggregate	\$143,972,996

III. WORKSHEET

Department of Natural Resources Costs

Fiscal Years 2008 through 2015		Hours	Cost (\$)
Energy Center	Planner III	30	1,194
	Planner IV	5	243
	Designated Personal Assistant	5	164
Energy Center Total		40	1,601
Aggregate 20 year cost			\$64,040

Electric Generating Unit Costs

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008		\$ 800,000	\$ 800,000
FY2009	\$ 5,753,297		\$ 5,753,297
FY2010	\$ 5,753,297		\$ 5,753,297
FY2011	\$ 5,753,297		\$ 5,753,297
FY2012	\$ 5,753,297		\$ 5,753,297
FY2013	\$ 5,753,297	\$ 800,000	\$ 6,553,297
FY2014	\$ 5,753,297		\$ 5,753,297
FY2015	\$ 8,168,398		\$ 8,168,398
FY2016	\$ 8,168,398		\$ 8,168,398
FY2017	\$ 8,168,398		\$ 8,168,398
FY2018	\$ 8,168,398	\$ 800,000	\$ 8,968,398
FY2019	\$ 8,168,398		\$ 8,168,398
FY2020	\$ 8,168,398		\$ 8,168,398
FY2021	\$ 8,168,398		\$ 8,168,398

FY2022	\$ 8,168,398		\$ 8,168,398
FY2023	\$ 8,168,398	\$ 800,000	\$ 8,968,398
FY2024	\$ 8,168,398		\$ 8,168,398
FY2025	\$ 8,168,398		\$ 8,168,398
FY2026	\$ 8,168,398		\$ 8,168,398
FY2027	\$ 8,168,398		\$ 8,168,398
Aggregate	\$ 140,708,956	\$ 3,200,000	\$143,908,956

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on NO_x allowance price of \$1,205 per NO_x of allowance for Phase I and \$1,481 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for NO_x SIP Call allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 14 affected, listed in Table I, electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for NO_x controls. Additional monitor is expected at the 8 non-Acid Rain program units in Table I. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 64,430.15 ton decrease in NO_x emissions in Phase I and a 74,404.15 ton decrease in NO_x emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2009.
6. All monitoring must begin on January 1, 2008.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.364, 10 CSR 10-6.366, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.
8. EPA will administer the banking and trading.
9. The department's Air Pollution Control Program does not anticipate adding staff as a result of this rule.
10. The Energy Center will evaluate the proposed projects and make award decisions. The costs are based on continuing the program started under 10 CSR 10-6.360.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.362 Clean Air Interstate Rule Annual NO_x Trading Program

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
95	Electric Generating Units	\$1,767,610,816

III. WORKSHEET

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008		\$ 2,400,000	\$ 2,400,000
FY2009	\$ 71,949,469		\$ 71,949,469
FY2010	\$ 71,949,469		\$ 71,949,469
FY2011	\$ 71,949,469		\$ 71,949,469
FY2012	\$ 71,949,469		\$ 71,949,469
FY2013	\$ 71,949,469	\$ 2,400,000	\$ 74,349,469
FY2014	\$ 71,949,469		\$ 71,949,469
FY2015	\$ 102,024,154		\$ 102,024,154
FY2016	\$ 102,024,154		\$ 102,024,154
FY2017	\$ 102,024,154		\$ 102,024,154
FY2018	\$ 102,024,154	\$ 2,400,000	\$ 104,424,154
FY2019	\$ 102,024,154		\$ 102,024,154
FY2020	\$ 102,024,154		\$ 102,024,154
FY2021	\$ 102,024,154		\$ 102,024,154
FY2022	\$ 102,024,154		\$ 102,024,154
FY2023	\$ 102,024,154	\$ 2,400,000	\$ 104,424,154
FY2024	\$ 102,024,154		\$ 102,024,154
FY2025	\$ 102,024,154		\$ 102,024,154
FY2026	\$ 102,024,154		\$ 102,024,154
FY2027	\$ 102,024,154		\$ 102,024,154
Aggregate	\$1,758,010,816	\$ 9,600,000	\$1,767,610,816

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on NO_x allowance price of \$1,205 per NO_x of allowance for Phase I and \$1,481 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for NO_x SIP Call allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 69 affected, listed in Table I, electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for NO_x controls. Additional monitor is expected at the 24 non-Acid Rain program units in Table I. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 64,430.15 ton decrease in NO_x emissions in Phase I and a 74,404.15 ton decrease in NO_x emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2009.
6. All monitoring must begin on January 1, 2008.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.364, 10 CSR 10-6.366, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: *This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Interstate Rule published on May 12, 2005.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule—

1. The following units in this state shall be Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) Ozone Season units, and any source that includes one or more such units shall be a CAIR NO_x Ozone Season source, subject to the requirements of this rule: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) megawatts electric (MWe) producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under paragraph (1)(A)1. of this rule, is not a CAIR NO_x Ozone Season unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than twenty-five (25) MWe producing electricity for sale, the unit shall become a CAIR NO_x Ozone Season unit as provided in paragraph (1)(A)1. of this rule on the first date on which it both combusts fossil fuel and serves such generator.

3. This rulemaking shall apply throughout Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis to fossil-fuel-fired boilers, combustion turbines, or combined cycle systems that have a maximum design heat input greater than two hundred fifty (250) million British thermal units per hour (mmBtu/hr) that—

A. Commenced operation before January 1, 1997, and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996;

B. Commenced operation in 1997 or 1998 and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or

C. Commenced operation on or after January 1, 1999, and:

(I) At no time served or serves a generator producing electricity for sale; or

(II) At any time served or serves a generator with a nameplate capacity of twenty-five (25) megawatts (MW) or less producing electricity for sale, and with the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit;

D. Any unit meeting the exemption in paragraph (1)(A)2. of this rule is exempt from paragraph (1)(A)3. of this rule;

E. For the purposes of this paragraph fossil-fuel-fired means with regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel—

(I) Actually combusted comprises more than fifty percent (50%) of the annual heat input on a Btu basis during any year starting in 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995; or

(II) Is projected to comprise more than fifty percent (50%) of the annual heat input on a Btu basis during any year; provided that the unit shall be "fossil fuel-fired" as of the date, during such year, on which the unit begins combusting fossil fuel.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR NO_x Ozone Season units—

1. Cogenerator exemption.

A. Any unit that is a CAIR Ozone Season NO_x unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR Ozone Season NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(I) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR NO_x Ozone Season unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%)(on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%)(on a Btu basis).

B. Any unit that is a CAIR NO_x Ozone Season unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%)(on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%)(on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x Ozone Season unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the subsections of 40 CFR 96.305 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsections 40 CFR 96.302 and 96.303 of 40 CFR 96 subpart AAAA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Commence commercial operation—with regard to a unit:

1. To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in 40 CFR 96.305 and 40 CFR 96.384(h).

A. For a unit that is a CAIR NO_x Ozone Season unit under 40 CFR 97.304 on the later of November 15, 1990 or the date the unit commences commercial operation as defined in paragraph (2)(B)1. of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

B. For a unit that is a CAIR NO_x Ozone Season unit under 40 CFR 96.304 on the later of November 15, 1990 or the date the unit commences commercial operation as defined in paragraph (2)(B)1. of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (2)(B)1. or 2. of this rule as appropriate.

2. Notwithstanding paragraph (2)(B)1. of this rule and except as provided in 40 CFR 96.305, for a unit that is not a CAIR NO_x Ozone Season unit under 40 CFR 96.304 on the later of November 15, 1990 or the date the unit commences commercial operation as defined in paragraph (2)(B)1. of this rule, the unit's date for commencement of commercial operation shall be the date on which the unit becomes a CAIR NO_x Ozone Season unit under 40 CFR 96.304.

A. For a unit with a date for commencement of commercial operation as defined in paragraph (2)(B)2. of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

B. For a unit with a date for commencement of commercial operation as defined in paragraph (2)(B)2. of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (2)(B)1. or 2. of this rule as appropriate.

3. Notwithstanding paragraphs (2)(B)1. and 2. of this rule, for a unit not serving a generator producing electricity for sale, the unit's date of commencement of operation shall also be the unit's date of commencement of commercial operation.

(C) Commence Operation—

1. To have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber, except as provided in section 96.384(h).

A. For a unit that undergoes a physical change (other than replacement of the unit by a unit at the same source) after the date the unit commences operation as defined in paragraph (2)(B)1. of this rule, such date shall remain the date of commencement of operation of the unit, which shall continue to be treated as the same unit.

B. For a unit that is replaced by a unit at the same source (e.g., repowered) after the date the unit commences operation as defined in paragraph (2)(B)1. of this rule, such date shall remain the replaced unit's date of commencement of operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of operation as defined in paragraph (2)(B)1., 2. or 3. of this rule as appropriate, except as provided in section 96.384(h).

2. Notwithstanding paragraph (2)(B)1. of this rule, and solely for purposes of 40 CFR part 96, subpart HHHH, for a unit that is not a CAIR NO_x Ozone Season unit under paragraph (1)(A)3. of this rule on the later of November 15, 1990 or the date the unit commences operation as defined in paragraph (2)(B)1. of this rule and that subsequently becomes such a CAIR NO_x Ozone Season unit, the unit's date for commencement of operation shall be the date on which the unit becomes a CAIR NO_x Ozone Season unit under paragraph (1)(A)3. of this rule.

A. For a unit with a date of commencement of operation as defined in paragraph (2)(B)2. of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of operation of the unit, which shall continue to be treated as the same unit.

B. For a unit with a date of commencement of operation as defined in paragraph (2)(B)2. of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), such date shall remain the replaced unit's date of commencement of operation, and the replacement unit shall be treated as a separate unit with a separate date of commencement of operation as defined in paragraph (2)(B)1. or 2. of this rule as appropriate.

(D) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Unless otherwise noted in this section, 40 CFR 96.306, 96.307, and 96.308 as well as all of the subsections of 40 CFR 96 subparts BBBB, CCCC, DDDD, FFFF, GGGG, and IIII promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) CAIR NO_x Ozone Season Allowances.

1. Timing requirements for CAIR NO_x Ozone Season Allowance allocations.

A. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations established in Table I and Table II of this subsection.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control period beginning 2015 and extending through ten (10) control periods consistent with the allocations established in Table I and Table II of this subsection.

C. By October 31, 2015 and October 31 of every tenth year following, the permitting authority will submit to the administrator CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control period ten (10) years in the future and extending through ten (10) control periods consistent with Table I and Table II of this subsection.

2. CAIR NO_x Ozone Season Allowance allocations.

A. The state trading program NO_x budget allocated by the director under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a control period will equal twenty-six thousand six hundred seventy-eight (26,678) tons for 2009–2014 and twenty two thousand two hundred thirty-one (22,231) tons for 2015 and beyond.

B. The following NO_x budget units shall be allocated NO_x allowances for each control period in accordance with Table I of subparagraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide Pool	NO _x Allocation 2009-2014	NO _x Allocation 2015 and beyond
2076	ASBURY	1	1.85%	493	410
2079	HAWTHORN STATION	5A	5.51%	1,469	1,224
2079	HAWTHORN STATION	6	0.09%	25	21
2079	HAWTHORN STATION	7	0.05%	13	11
2079	HAWTHORN STATION	8	0.04%	11	9
2079	HAWTHORN STATION	9	0.23%	62	51
2080	MONROSE STATION	1	1.53%	408	340
2080	MONROSE STATION	2	1.55%	414	345
2080	MONROSE STATION	3	1.63%	435	363
2081	Northeast #11		0.01%	2	2
2081	Northeast #12		0.01%	2	1
2081	Northeast #13		0.02%	4	3
2081	Northeast #14		0.01%	3	3
2081	Northeast #15		0.01%	3	2
2081	Northeast #16		0.01%	2	2
2081	Northeast #17		0.01%	4	3
2081	Northeast #18		0.01%	3	3
2082	Fairgrounds		0.01%	2	2
2092	Ralph Green		0.03%	8	7
2094	SIBLEY	1	0.52%	138	115
2094	SIBLEY	2	0.50%	135	112
2094	SIBLEY	3	3.31%	884	737
2096	Ameren Viaduct		0.00%	—	—
2098	LAKE ROAD	6	0.86%	231	192
2098	Lake Road (Gas Turbine)	5	0.02%	5	4
2102	Howard Bend Ct		0.00%	1	1
2103	LABADIE	1	4.57%	1,220	1,017
2103	LABADIE	2	4.84%	1,292	1,076
2103	LABADIE	3	5.19%	1,384	1,153
2103	LABADIE	4	4.81%	1,283	1,069
2104	MERAMEC	1	1.25%	333	278
2104	MERAMEC	2	1.14%	305	254
2104	MERAMEC	3	1.98%	529	441
2104	MERAMEC	4	2.89%	770	641
2104	MERAMEC	GT1		—	—
2107	SIOUX	1	3.68%	981	817
2107	SIOUX	2	3.68%	982	818
2122	Chillicothe		0.01%	2	2
2123	COLUMBIA	6	0.09%	24	20
2123	COLUMBIA	7	0.10%	28	23
2123	COLUMBIA	8	0.00%	1	—
2132	BLUE VALLEY POWER	3	0.31%	84	70
2132	BLUE VALLEY POWER	GT1	0.00%	—	—
2161	JAMES RIVER	GT1	0.05%	13	11
2161	JAMES RIVER	GT2	0.03%	9	7
2161	JAMES RIVER	3	0.48%	129	108
2161	JAMES RIVER	4	0.62%	164	137
2161	JAMES RIVER	5	1.07%	285	238
2167	NEW MADRID POWER PLA	1	4.76%	1,271	1,059
2167	NEW MADRID POWER PLA	2	4.94%	1,318	1,098
2168	THOMAS HILL ENERGY C	MB1	1.90%	506	422
2168	THOMAS HILL ENERGY C	MB2	2.73%	729	608
2168	THOMAS HILL ENERGY C	MB3	6.63%	1,769	1,474
2169	CHAMOIS POWER PLANT	2	0.52%	138	115
6065	IATAN STATION	1	7.04%	1,877	1,564
6074	Greenwood Energy Cent	1	0.04%	10	9
6074	Greenwood Energy Cent	2	0.04%	10	8
6074	Greenwood Energy Cent	3	0.04%	12	10
6074	Greenwood Energy Cent	4	0.04%	11	9
6155	RUSH ISLAND	1	5.05%	1,346	1,122
6155	RUSH ISLAND	2	4.58%	1,221	1,018
6195	SOUTHWEST	1	2.28%	609	507
6195	SOUTHWEST	CT1A	0.01%	3	2
6195	SOUTHWEST	CT1B	0.01%	3	2

6195	SOUTHWEST	CT2A	0.01%	2	2
6195	SOUTHWEST	CT2B	0.01%	2	2
6223	Empire	3A	0.01%	2	2
6223	Empire	3B	0.01%	2	2
6223	Empire	4A	0.01%	2	2
6223	Empire	4B	0.01%	2	2
6563	Empire—Energy Center 1		0.06%	16	13
6563	Empire—Energy Center 2		0.04%	9	8
6650	Mexico		0.00%	1	1
6651	Moberly		0.00%	1	1
6652	Moreau		0.01%	2	1
6768	SIKESTON	1	2.62%	698	582
7296	STATE LINE UNIT 1	1	0.17%	46	38
7296	STATE LINE UNIT 1	2-1	0.32%	85	71
7296	STATE LINE UNIT 1	2-2	0.37%	98	82
7604	ST. FRANCIS POWER PL	1	0.21%	55	46
7604	ST. FRANCIS POWER PL	2	0.18%	49	41
7749	ESSEX POWER PLANT	1	0.03%	9	8
7754	NODAWAY POWER PLANT	1	0.04%	10	8
7754	NODAWAY POWER PLANT	2	0.03%	9	7
7848	HOLDEN POWER PLANT	1	0.01%	2	2
7848	HOLDEN POWER PLANT	2	0.01%	3	3
7848	HOLDEN POWER PLANT	3	0.01%	3	2
7903	MCCARTNEY	MGS1A	0.00%	1	1
7903	MCCARTNEY	MGS1B	0.00%	1	1
7903	MCCARTNEY	MGS2A	0.00%	1	1
7903	MCCARTNEY	MGS2B	0.00%	1	1
7964	PENO CREEK ENRGY CTR	CT1A	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT1B	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT2A	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT2B	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT3A	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT3B	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT4A	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT4B	0.00%	1	1
8567	Higginsville		0.01%	3	3
55178	MEP PLEASANT HILL	CT-1	0.28%	75	63
55178	MEP PLEASANT HILL	CT-2	0.25%	67	56
55234	AUDRAIN GENERATING	CT1	0.00%	1	—
55234	AUDRAIN GENERATING	CT2	0.00%	—	—
55234	AUDRAIN GENERATING	CT3	0.00%	—	—
55234	AUDRAIN GENERATING	CT4	0.00%	—	—
55234	AUDRAIN GENERATING	CT5	0.00%	—	—
55234	AUDRAIN GENERATING	CT6	0.00%	—	—
55234	AUDRAIN GENERATING	CT7	0.00%	—	—
55234	AUDRAIN GENERATING	CT8	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.00%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT03	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT04	0.00%	—	—
	Total		100.00%	26,678	22,231

C. The following existing non-electric generating unit (EGU) boilers shall be allocated NO_x allowances for each control period in accordance with Table II of subparagraph (3)(E)2.C of this rule.

Table II

Non-EGUs Boilers	Unit	NO _x Limitations per Unit	
		Tons Per Ozone Season	
Anheuser Busch	6		14
Trigen Ashley Street Station Boiler	5		9
Trigen Ashley Street Station Boiler	6		36

D. Any unit subject to subsection (1)(B) of this rule, other than those listed in Tables I and II of this subsection, will not be allocated NO_x budget allowances under this rule.

(4) Reporting and Record Keeping. Unless otherwise noted in this section, all of the subsections of 40 CFR 96 subpart HHHH promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$119,226,551 over the life of the rule. The fiscal year 2008 cost is expected to be \$800,000. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities \$1,005,065,601 over the life of the rule. The cost for fiscal year 2008 is estimated to be \$2,400,000. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Publicly Owned Electric Generating Units	\$119,226,551

III. WORKSHEET

Electric Generating Unit Costs

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008	\$ 4,612,236	\$ 800,000	\$ 4,612,236
FY2009	\$ 4,612,236		\$ 4,612,236
FY2010	\$ 4,612,236		\$ 4,612,236
FY2011	\$ 4,612,236		\$ 4,612,236
FY2012	\$ 4,612,236		\$ 4,612,236
FY2013	\$ 4,612,236	\$ 800,000	\$ 5,412,236
FY2014	\$ 4,612,236		\$ 4,612,236
FY2015	\$ 6,796,395		\$ 6,796,395
FY2016	\$ 6,796,395		\$ 6,796,395
FY2017	\$ 6,796,395		\$ 6,796,395
FY2018	\$ 6,796,395	\$ 800,000	\$ 7,596,395
FY2019	\$ 6,796,395		\$ 6,796,395
FY2020	\$ 6,796,395		\$ 6,796,395
FY2021	\$ 6,796,395		\$ 6,796,395
FY2022	\$ 6,796,395		\$ 6,796,395
FY2023	\$ 6,796,395	\$ 800,000	\$ 7,596,395
FY2024	\$ 6,796,395		\$ 6,796,395
FY2025	\$ 6,796,395		\$ 6,796,395
FY2026	\$ 6,796,395		\$ 6,796,395
FY2027	\$ 6,796,395		\$ 6,796,395
Aggregate	\$ 116,026,551	\$ 3,200,000	\$119,226,551

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on NO_x allowance price of \$2,400 per NO_x of allowance for Phase I and \$3,000 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for NO_x SIP Call allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 14 affected, listed in Table I, electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for NO_x controls. Additional monitor is expected at the 8 non-Acid Rain program units in Table I. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 64,430.15 ton decrease in NO_x emissions in Phase I and a 74,404.15 ton decrease in NO_x emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2009.
6. All monitoring must begin on January 1, 2008.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.364, 10 CSR 10-6.366, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
93	Electric Generating Units	\$1,005,065,601

III. WORKSHEET

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008		\$2,400,000	\$ 2,400,000
FY2009	\$ 36,945,636		\$ 36,945,636
FY2010	\$ 36,945,636		\$ 36,945,636
FY2011	\$ 36,945,636		\$ 36,945,636
FY2012	\$ 36,945,636		\$ 36,945,636
FY2013	\$ 36,945,636	\$2,400,000	\$ 39,345,636
FY2014	\$ 36,945,636		\$ 36,945,636
FY2015	\$ 59,522,445		\$ 59,522,445
FY2016	\$ 59,522,445		\$ 59,522,445
FY2017	\$ 59,522,445		\$ 59,522,445
FY2018	\$ 59,522,445	\$2,400,000	\$ 61,922,445
FY2019	\$ 59,522,445		\$ 59,522,445
FY2020	\$ 59,522,445		\$ 59,522,445
FY2021	\$ 59,522,445		\$ 59,522,445
FY2022	\$ 59,522,445		\$ 59,522,445
FY2023	\$ 59,522,445	\$2,400,000	\$ 61,922,445
FY2024	\$ 59,522,445		\$ 59,522,445
FY2025	\$ 59,522,445		\$ 59,522,445
FY2026	\$ 59,522,445		\$ 59,522,445
FY2027	\$ 59,522,445		\$ 59,522,445
Aggregate	\$ 995,465,601	\$9,600,000	\$1,005,065,601

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on NO_x allowance price of \$1,205 per NO_x of allowance for Phase I and \$1,481 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for NO_x SIP Call allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 69 affected, listed in Table I, electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for NO_x controls. Additional monitor is expected at the 24 non-Acid Rain program units in Table I. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 64,430.15 ton decrease in NO_x emissions in Phase I and a 74,404.15 ton decrease in NO_x emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2009.
6. All monitoring must begin on January 1, 2008.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.364, 10 CSR 10-6.366, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.366 Clean Air Interstate Rule SO₂ Trading Program. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: *This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for sulfur dioxide, which was developed to meet the requirements of the Clean Air Interstate Rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Interstate Rule published on May 12, 2005.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule:

1. The following units in this state shall be Clean Air Interstate Rule (CAIR) sulfur dioxide (SO₂) units, and any source that includes one or more such units shall be a CAIR SO₂ source, subject to the requirements of this rule: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) megawatts electric (MWe) producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under paragraph (1)(A)1. of this rule, is not a CAIR SO₂ unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than twenty-five (25) MWe producing electricity for sale, the unit shall become a CAIR SO₂ unit as provided in paragraph (1)(A)1. of this rule on the first date on which it both combusts fossil fuel and serves such generator.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR SO₂ units:

1. Cogenerator exemption.

A. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's poten-

tial electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO₂ unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(I) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%) (on a British thermal units (Btu) basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO₂ unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the subsections of 40 CFR 96.205 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsections 40 CFR 96.202 and 96.203 of 40 CFR 96 subpart AAA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. Unless otherwise noted in this section, 40 CFR 96.206, 96.207, and 96.208 as well as all of the subsections of 40 CFR 96 subparts BBB, CCC, DDD, FFF, GGG, and III promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(4) Reporting and Record Keeping. Unless otherwise noted in this section, all of the subsections of 40 CFR 96 subpart HHH promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$157,945,000 over the life of the rule. The fiscal year 2008 cost is expected to be \$800,000. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities \$2,990,348,800 over the life of the rule. The cost for fiscal year 2008 is estimated to be \$2,400,000. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.366 Clean Air Interstate Rule SO₂ Trading Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
22 Publicly Owned Electric Generating Units	\$157,945,000

III. WORKSHEET

Electric Generating Unit Compliance Costs

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008		\$ 800,000	\$ 800,000
FY2009			\$ -
FY2010	\$ 3,292,800		\$ 3,292,800
FY2011	\$ 3,292,800		\$ 3,292,800
FY2012	\$ 3,292,800		\$ 3,292,800
FY2013	\$ 3,292,800	\$ 800,000	\$ 4,092,800
FY2014	\$ 3,292,800		\$ 3,292,800
FY2015	\$ 10,637,000		\$ 10,637,000
FY2016	\$ 10,637,000		\$ 10,637,000
FY2017	\$ 10,637,000		\$ 10,637,000
FY2018	\$ 10,637,000	\$ 800,000	\$ 11,437,000
FY2019	\$ 10,637,000		\$ 10,637,000
FY2020	\$ 10,637,000		\$ 10,637,000
FY2021	\$ 10,637,000		\$ 10,637,000
FY2022	\$ 10,637,000		\$ 10,637,000
FY2023	\$ 10,637,000	\$ 800,000	\$ 11,437,000
FY2024	\$ 10,637,000		\$ 10,637,000
FY2025	\$ 10,637,000		\$ 10,637,000
FY2026	\$ 10,637,000		\$ 10,637,000
FY2027	\$ 10,637,000		\$ 10,637,000
Aggregat	\$ 154,745,000	\$ 3,200,000	\$157,945,000

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on SO₂ allowance price of \$700 per SO₂ of allowance for Phase I and \$1,100 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for SO₂ allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 14 affected electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for SO₂ controls. Additional monitor is expected at the 8 non-Acid Rain program units affected by this rule. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 134,330 ton decrease in SO₂ emissions in Phase I and a 175,566.00 ton decrease in SO₂ emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2010.
6. All monitoring must begin on January 1, 2009.
7. All testing was assumed to be conducted in conjunction with the NOx testing required in proposed rules 10 CSR 10-6.362 and 10 CSR 10-6.364. Therefore, the associated costs begin in FY 2008.
8. The costs estimated from compliance assume that no banked allocation are withdrawn.
9. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.362, 10 CSR 10-6.364, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.366 Clean Air Interstate Rule SO₂ Trading Program

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
93	Electric Generating Units	\$2,990,348,800

III. WORKSHEET

Electric Generating Unit Compliance Costs

Fiscal Year	Compliance Cost	Monitoring Cost	Total
FY2007			
FY2008		\$ 2,400,000	\$ 2,400,000
FY2009			\$ -
FY2010	\$ 94,031,000		\$ 94,031,000
FY2011	\$ 94,031,000		\$ 94,031,000
FY2012	\$ 94,031,000		\$ 94,031,000
FY2013	\$ 94,031,000	\$ 2,400,000	\$ 96,431,000
FY2014	\$ 94,031,000		\$ 94,031,000
FY2015	\$ 193,122,600		\$ 193,122,600
FY2016	\$ 193,122,600		\$ 193,122,600
FY2017	\$ 193,122,600		\$ 193,122,600
FY2018	\$ 193,122,600	\$ 2,400,000	\$ 195,522,600
FY2019	\$ 193,122,600		\$ 193,122,600
FY2020	\$ 193,122,600		\$ 193,122,600
FY2021	\$ 193,122,600		\$ 193,122,600
FY2022	\$ 193,122,600		\$ 193,122,600
FY2023	\$ 193,122,600	\$ 2,400,000	\$ 195,522,600
FY2024	\$ 193,122,600		\$ 193,122,600
FY2025	\$ 193,122,600		\$ 193,122,600
FY2026	\$ 193,122,600		\$ 193,122,600
FY2027	\$ 193,122,600		\$ 193,122,600
Aggregate	\$ 2,980,748,800	\$ 9,600,000	\$2,990,348,800

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on SO₂ allowance price of \$700 per SO₂ of allowance for Phase I and \$1,100 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Interstate Rule and are consistent with the current spot market value for SO₂ allowances.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements for the 69 affected electric generating units that are currently in EPA's Acid Rain Program. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for SO₂ controls. Additional monitor is expected at the 24 non-Acid Rain program units affected by this rule. These units were assumed to be required to test once every five years at \$100,000 per test.
4. The department projects a 134,330 ton decrease in SO₂ emissions in Phase I and a 175,566.00 ton decrease in SO₂ emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2010.
6. All monitoring must begin on January 1, 2009.
7. All testing was assumed to be conducted in conjunction with the NOx testing required in proposed rules 10 CSR 10-6.362 and 10 CSR 10-6.364. Therefore, the associated costs begin in FY 2008.
8. The costs estimated from compliance assume that no banked allocation are withdrawn.
9. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.362, 10 CSR 10-6.364, or 10 CSR 10-6.368. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.368 Control of Mercury Emissions From Electric Generating Units. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: *This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for mercury, which was developed to meet the requirements of the Clean Air Mercury Rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency's Clean Air Mercury Rule published on May 18, 2005.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule—

1. The following units in this state shall be mercury (Hg) Budget units, and any source that includes one (1) or more such units shall be an Hg Budget source, subject to the requirements of this rule: Any stationary, coal-fired boiler or stationary, coal-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) megawatts electric (MWe) producing electricity for sale.

2. If a stationary boiler or stationary combustion turbine that, under paragraph (1)(A)1. of this rule, is not a Hg Budget unit begins to combust coal or coal-derived fuel or to serve a generator with nameplate capacity of more than twenty-five (25) MWe producing electricity for sale, the unit shall become a Hg Budget unit as provided in paragraph (1)(A)1. of this rule on the first date on which it both combusts coal or coal-derived fuel and serves such generator.

(B) The units in this state that meet the requirements set forth in subparagraph (1)(B)1.A. or paragraph (1)(B)2. of this rule shall not be Hg Budget units—

1. Cogenerator exemption.

A. Any unit that is a Hg Budget unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become an Hg Budget unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(II) of this rule.

2. Any unit that is an Hg Budget unit under paragraph (1)(A)1. or 2. of this rule, is a solid waste incineration unit combusting municipal waste, and is subject to the requirements of—

A. A State Plan approved by the administrator in accordance with subpart Cb of part 60 of 40 CFR (emissions guidelines and compliance times for certain large municipal waste combustors);

B. Subpart Eb of part 60 of 40 CFR (standards of performance for certain large municipal waste combustors);

C. Subpart AAAA of part 60 of 40 CFR (standards of performance for certain small municipal waste combustors);

D. A State Plan approved by the administrator in accordance with subpart BBBB of part 60 of 40 CFR (emission guidelines and compliance times for certain small municipal waste combustion units);

E. Subpart FFF, of part 62 of 40 CFR (Federal Plan requirements for certain large municipal waste combustors); or

F. Subpart JJJ of part 62 of 40 CFR (Federal Plan requirements for certain small municipal waste combustion units).

(2) Definitions. Definitions of certain terms specified in this rule, other than those defined in this section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Unless otherwise noted in this section, all of the subsections of 40 CFR 60 subpart HHHH promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions. The following subsections are not incorporated by reference:

1. 40 CFR 60.4140 State trading budgets (check with EPA);
2. 40 CFR 60.4141 Timing requirements for Hg allowance allocations; and
3. 40 CFR 60.4142 Hg allowance allocations.

(B) Hg Allowance Timing.

1. Timing requirements for Hg allowance allocations.

A. By October 31, 2007, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control periods in 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017 consistent with the allocations established in subsection (3)(C) of this rule.

B. By October 31, 2007, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control period beginning 2018 and extending through ten (10) control periods consistent with the allocations established in subsection (3)(C) of this rule.

C. By October 31, 2018 and October 31 of every tenth year following, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control period ten (10) years in the future and extending through ten (10) control periods consistent with subsection (3)(C) of this rule.

(C) Hg Allowance Allocations.

1. The state trading program Hg budget allocated by the director under paragraph (3)(C)2. of this rule for a control period will equal forty-four thousand five hundred seventy-six (44,576) ounces for calendar years 2010 to 2017 and seventeen thousand six hundred (17,600) ounces for calendar year 2018 and beyond.

2. The following Hg budget units shall be allocated Hg allowances for each control period in accordance with Table I of paragraph (3)(C)2. of this rule.

Facility ID	Facility Name	Table I Unit ID	Annual Hg Allocation In Ounces 2010-2017	Annual Hg Allocation in Ounces 2018 and beyond
2076	ASBURY	1	841	332
2079	HAWTHORN STATION	5A	2,053	810
2080	MONROSE STATION	1	710	280
2080	MONROSE STATION	2	737	291
2080	MONROSE STATION	3	733	290
2094	SIBLEY	1	233	92
2094	SIBLEY	2	232	92
2094	SIBLEY	3	1,503	593
2098	LAKE ROAD	6	422	167
2103	LABADIE	1	2,269	896
2103	LABADIE	2	2,335	922
2103	LABADIE	3	2,593	1,024
2103	LABADIE	4	2,324	917
2104	MERAMEC	1	568	224
2104	MERAMEC	2	526	208
2104	MERAMEC	3	895	353
2104	MERAMEC	4	1,385	547
2107	SIOUX	1	1,632	644
2107	SIOUX	2	1,650	651
2123	COLUMBIA	6	25	10
2123	COLUMBIA	7	27	11
2132	BLUE VALLEY POWER	3	100	40
2161	JAMES RIVER	3	224	88
2161	JAMES RIVER	4	278	110
2161	JAMES RIVER	5	465	184
2167	NEW MADRID POWER PLANT	1	2,139	845
2167	NEW MADRID POWER PLANT	2	2,364	933
2168	THOMAS HILL ENERGY CENTER	MB1	877	346
2168	THOMAS HILL ENERGY CENTER	MB2	1,295	511
2168	THOMAS HILL ENERGY CENTER	MB3	3,151	1,244
2169	CHAMOIS POWER PLANT	2	244	97
6065	IATAN STATION	1	3,108	1,227
6155	RUSH ISLAND	1	2,244	886
6155	RUSH ISLAND	2	2,140	845
6195	SOUTHWEST	1	1,043	412
6768	SIKESTON	1	1,211	478
	Total		44,576	17,600

3. Any unit subject to section (1) other than those listed in Table I of this subsection will not be allocated Hg budget allowances under this rule.

(4) Reporting and Record Keeping. *(Not Applicable)*

(5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006.

PUBLIC COST: This proposed rule will cost public entities an estimated \$55,992,310 over the life of the rule. The fiscal year 2010 cost is expected to be two hundred fifty-one thousand nine hundred eighty dollars (\$251,980). Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities \$911,278,936 over the life of the rule. The cost for fiscal year 2010 is estimated to be \$21,458,232. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 14, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**Title: 10 - Department of Natural ResourcesDivision: 10 - Air Conservation CommissionChapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air PollutionType of Rulemaking: Proposed RuleRule Number and Name: 10 CSR 10 – 6.368 Control of Mercury Emissions From Electric Generating Units**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
8 Publicly Owned Electric Generating Units	\$55,992,310

III. WORKSHEET**Electric Generating Unit Compliance Costs**

Fiscal Year	Cost
2007	
2008	
2009	
2010	\$ 251,980
2011	\$ 251,980
2012	\$ 251,980
2013	\$ 251,980
2014	\$ 251,980
2015	\$ 251,980
2016	\$ 251,980
2017	\$ 251,980
2018	\$ 5,397,647
2019	\$ 5,397,647
2020	\$ 5,397,647
2021	\$ 5,397,647
2022	\$ 5,397,647
2023	\$ 5,397,647
2024	\$ 5,397,647
2025	\$ 5,397,647
2026	\$ 5,397,647
2027	\$ 5,397,647
Aggregate	\$ 55,992,310

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on mercury allowance price of \$1450 per mercury of allowance for Phase I and \$2437.50 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Mercury Rule.
3. Monitoring costs are assumed to be incorporated into the cost of the mercury allowance prices.
4. The department projects a 15,146 ounce decrease in mercury emissions in Phase I and a 32,558 ounce decrease in mercury emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2010.
6. All monitoring must begin on January 1, 2009.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.362, 10 CSR 10-6.364, or 10 CSR 10-6.366. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10 – 6.368 Control of Mercury Emissions From Electric Generating Units

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28	Electric Generating Units	\$911,278,936

III. WORKSHEET**Electric Generating Unit Compliance Costs**

Fiscal Year	Cost
2007	
2008	
2009	
2010	\$ 21,458,232
2011	\$ 21,458,232
2012	\$ 21,458,232
2013	\$ 21,458,232
2014	\$ 21,458,232
2015	\$ 21,458,232
2016	\$ 21,458,232
2017	\$ 21,458,232
2018	\$ 73,961,308
2019	\$ 73,961,308
2020	\$ 73,961,308
2021	\$ 73,961,308
2022	\$ 73,961,308
2023	\$ 73,961,308
2024	\$ 73,961,308
2025	\$ 73,961,308
2026	\$ 73,961,308
2027	\$ 73,961,308
Aggregate	\$ 911,278,936

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be twenty (20) years although the duration of the rule is indefinite. If the life of the rule extends beyond twenty years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on mercury allowance price of \$1450 per mercury of allowance for Phase I and \$2437.50 for Phase II. This price is based on EPA's marginal cost estimates in the Clean Air Mercury Rule.
3. Monitoring costs are assumed to be incorporated into the cost of the mercury allowance prices.
4. The department projects a 15,146 ounce decrease in mercury emissions in Phase I and a 32,558 ounce decrease in mercury emission in Phase II of the rule from actual emissions in calendar year 2005.
5. The date on which affected electric generating units must be in compliance with this regulation is January 1, 2010.
6. All monitoring must begin on January 1, 2009.
7. The estimated cost in this rule is not in addition to any estimated cost in proposed rules 10 CSR 10-6.362, 10 CSR 10-6.364, or 10 CSR 10-6.366. These rules require emission reductions that will be achieved through similar control techniques and are part of market based control strategies. The use of the market-based approach makes separating the compliance costs problematic. Therefore, each rule is being treated individually for purposes of estimating fiscal impact.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 2—General Scope of Medical Service Coverage

PROPOSED AMENDMENT

13 CSR 70-2.100 Title XIX Procedure of Exception to Medical Care Services Limitations. The division is amending section (1).

PURPOSE: This proposed amendment removes language that left readers with the impression that the exception process could not be utilized to provide services for which the Missouri General Assembly had not passed a specific appropriation.

(1) Under the requirements of this rule, the Division of Medical Services (DMS) may approve and authorize payment for the provision to a Medicaid-eligible recipient of an essential medical service or item that would otherwise exceed the benefit limitations of the medical assistance program. An administrative exception may be made on a case-by-case basis to limitations and restrictions. *[No exception can be made where requested items or services are restricted or specifically prohibited by state or federal law, or excluded under the provisions of section (3) of this rule.]* The director of the DMS will have the final authority to approve payment on a request made to the exception process. These decisions will be made with appropriate medical or pharmaceutical advice and consultation.

AUTHORITY: sections 207.020, 208.153 and 208.201, RSMo [Supp. 1989] 2000. This rule was previously filed as 13 CSR 40-81.195. Original rule filed May 15, 1987, effective Oct. 11, 1987. Amended: Filed June 4, 1990, effective Dec. 31, 1990. Amended: Filed Oct. 2, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2006 (31 MoReg 906–908). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology
Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2006 (31 MoReg 908–910). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.080 Emission Standards for Hazardous Air
Pollutants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2006 (31 MoReg 910–911). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 Submission of Emission Data, Emission Fees
and Process Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2006 (31 MoReg 911–918). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from four (4) sources: Boeing Company, Regulatory Environmental Group for Missouri (REGFORM), Kansas City Health Department, and St. Louis County Health Department.

COMMENT: The Boeing Company and REGFORM testified in support of the proposed amendment to maintain the present thirty-four dollars and fifty cents (\$34.50) emissions fee per ton of regulated air pollutant and to change the April 1 due dates for emissions fees and emission inventory questionnaires to June 1 so all classifications will have the June 1 due date.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program is appreciative of industry's support of the proposed amendment. No wording changes have been made to the proposed rulemaking as a result of these comments.

COMMENT: REGFORM requested a commitment from the department's Air Pollution Control Program that the Emission Inventory Questionnaire Packets be sent out in a timely manner in January so that REGFORM members and others will have sufficient time to prepare the Questionnaires.

RESPONSE: As a result of REGFORM's comment, the department's Air Pollution Control Program will continue sending out the Emission Inventory Questionnaire Packets in a timely manner in January each year. No wording changes have been made to the proposed rulemaking as a result of this comment.

Due to the similarity of the following two (2) comments, one (1) response that addresses these comments can be found at the end of these two (2) comments.

COMMENT: The Kansas City Health Department is supportive of and encourages the commission to reconsider an increase in the emissions fee. The current emissions fee of thirty-four dollars and fifty cents (\$34.50) per ton of regulated air pollutant is used by the Missouri Department of Natural Resources to fund the department's Air Pollution Control Program and, in turn, fund the Kansas City, St. Louis City, Springfield-Greene County, and St. Louis County air pollution control programs. Kansas City receives three hundred thirty-three thousand fifty-two dollars (\$333,052) from the department's Air Pollution Control Program to support Kansas City's Air Quality Control Program providing approximately forty-nine percent (49%) of the total overall cost of Kansas City's program. These funds are critical to support the City's efforts to ensure the goal of achieving the highest quality of healthful air standards for the visitors and residents of the Kansas City metropolitan area. While the proposal to maintain the current emissions fee may seem reasonable, it does not provide for any increase to offset the effects of inflation and is detrimental to the City's ability to maintain and conduct program operations at a level required to assure program effectiveness. Also, the Kansas City metropolitan area faces a potential ozone non-attainment issue in 2007 that would impact program efforts.

COMMENT: The St. Louis County Health Department is supportive of the proposed thirty-four dollars and fifty cents (\$34.50) emissions fee. A large part of the success of the Health Department in providing the county's citizens with air pollution control is directly related to the agency receiving adequate funding for staff and operating expenses from the state. These funds provide the foundation for a number of air related activities, including interaction with our regulated community, assisting industry with permit applications, helping troubleshoot equipment and manufacturing processes, and streamlining the Environmental Inventory Questionnaire while providing cost effective and efficient service to the community and maintaining an air monitoring network used for determining attain-

ment status in St. Louis County. Without adequate funding, supported in part by emissions fees, the St. Louis County Health Department would be challenged to provide the present level of service to the county's citizens. Given the stagnant level of state funding provided to the county over the past several years, the county is finding it very difficult to carry out its contracted scope. In essence, a continued stagnant level of funding will impact the level of service provided.

RESPONSE: The emissions fee is set annually by statute and the emissions fee level is reviewed annually in cooperation with the regulated community to establish an annual fee amount to support the financial integrity of the program. The department's Air Pollution Control Program recognizes the two (2) local agencies support of the proposed emissions fee of thirty-four dollars and fifty cents (\$34.50) to maintain the financial integrity of the program to provide a viable program for the benefit of Missouri's citizens and their children and support a quality air pollution control program and assure federal obligations can be met. The department's Air Pollution Control Program understands that the level of state funding provided by the emissions fees collected is a significant and important funding source to the local air agencies that provide air quality protection and service. The department's Air Pollution Control Program recognizes and understands the two (2) local agencies request for consideration of an emissions fee increase by the commission to address the financial difficulties of increasing local program costs and the effects of economic inflation. No wording changes have been made to the proposed rulemaking as a result of these comments.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.345 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2006 (31 MoReg 919-920). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received a total of six (6) comments on this rulemaking. Five (5) of the comments support the rulemaking as proposed, with no changes suggested. One (1) comment supported the fundamental objectives of the rule, but stated that the rulemaking failed to address the fundamental reasons for the rule. The comment provided suggested revisions to the proposed rule to clarify the implementation.

Due to similar support addressed in the following five (5) comments, one (1) response can be found at the end of these five (5) comments.

COMMENT: The Regulatory Environmental Group for Missouri (REGFORM), supports the rule as proposed. REGFORM was an active participant in the development of 10 CSR 10-6.345 on the control of nitrogen oxide (NO_x) emissions, and supports the changes to this rule. They commend the department for its continued efforts on this stakeholder process and for getting input from stakeholders at an early opportunity so that they could work together on a rulemaking that makes sense. REGFORM also looks forward to continuing to

work with the department in the future.

COMMENT: The St. Louis Regional Chamber and Growth Association (RCGA), supports the rule as proposed. St. Louis struggles still to meet the 2010 attainment deadline to meet the eight (8)-hour standards. RCGA talks to businesses who are considering moving into the St. Louis area, relocating and so forth, and the attainment status really is an issue. To the extent that this rule makes things a little more predictable, a little more consistent for businesses coming into the area, it is a real positive thing for economic growth in the area. It was a very intense stakeholder effort, and they certainly appreciate the many hours the staff put in on this. A lot of time was spent hammering out the Supplemental Emission Reductions (SERs), the credit program and what kind of constraints are needed to get real emission reductions. This rule is a good product.

COMMENT: Ameren fully supports and endorses this rule. This rule is a major step in both achieving and maintaining the ozone and the fine particulate standards in the St. Louis area. Attaining both of these standards is going to be a challenge, but with this rule another step toward cleaner air has been taken. As a participant in the stakeholder process they realize that developing this rule was at times very arduous considering the diversity of the stakeholder group. This group included industry, government and the environmental community. The department's Air Pollution Control Program should be applauded for its efforts in keeping the process on track and for developing a landmark regulation thru this difficult consultative process.

COMMENT: The St. Louis Regional Chamber and Growth Association (RCGA), as an active participant in the development of the upwind NO_x proposal, supports this rule as proposed. To ensure that the St. Louis area attains the federal ozone standard by the June 2010 deadline and continues to meet standards in the long run, large new NO_x sources immediately upwind of the nonattainment boundaries should be permitted with some consideration of ozone impacts. The department's Air Pollution Control Program has tried to address this on an ad hoc basis in individual construction permits, but the ad hoc approach has left both the agency and affected applicants uncertain about what should be required. The proposed rule at subsection (3)(B) retains computer modeling as an option for new or modified large NO_x sources seeking a construction permit. The other options in subsection (3)(A) provide greater predictability for businesses considering a new or expanded facility near St. Louis.

COMMENT: The United States Environmental Protection Agency (U.S. EPA) supports this rule which was designed to address large NO_x point sources upwind of a nonattainment area. In the past several years, this rule has been developed through a workgroup process and has been through several iterations. Having been involved with this workgroup process, they recognize this rule as being innovative, and they acknowledge that this rule provides flexibility to sources but also strives to achieve meaningful environmental results. Given the innovative nature of the rule, they encourage the Missouri Air Conservation Commission (MACC) to adopt this rule, but request that it not be included into the State Implementation Plan at this time.

RESPONSE: The department's Air Pollution Control Program appreciates the involvement of the workgroup members in developing this rule. This rule proactively addresses large sources of nitrogen oxides that could affect air quality in the St. Louis area. No changes were made to the proposed rule as a result of these comments.

COMMENT: The Chemical Line Company (CLC) has participated in the various stakeholder processes that led to the development of the proposed rule. Although CLC agrees with the fundamental objectives of the new rule, there are serious problems with the final proposal that fail to address one of the fundamental underlying reasons for the rule. In addition, CLC is providing suggested revisions to clarify the implementation of the proposed rule. The definition of baseline emission inventory fails to address a fundamental objective of the proposed rule. During the stakeholder process, CLC recom-

mended that the 2002 Missouri emission inventory be used as the baseline emission inventory defined in the proposed rule. Missouri is using the 2002 inventory as the baseline inventory in the development of the St. Louis eight (8)-hour ozone state implementation process, which is consistent with EPA guidance. The 2002 emission inventory is much more representative of current patterns of NO_x emissions than the now ten (10) year old 1996 inventory that would be required to be used by the proposed rule. CLC suggests that the definition of baseline emission inventory be revised to allow the 2002 inventory. The definition of project-specific net emissions increase is ambiguous and unclear. The definition introduces a new measure of emissions increase for purposes of the proposed rule. One of the criteria for applicability of the proposed rule is whether or not new emission sources or modifications are subject to prevention of significant deterioration (PSD) review. The PSD program uses a number of carefully defined terms that have been subject to years of regulatory and judicial interpretation. Introducing an entirely different measure of emissions increase will lead to further uncertainty and confusion of the part of the regulated community, the permitting agencies and the public. Because of the ambiguity of the defined term in the proposed rule, CLC is uncertain as to the department's intent and cannot offer any substantial suggestions to clarify the intent. CLC also provides suggested revisions to the proposed rule that CLC believes provides clarity to the rule and assures consistency with other portions of the *Code of State Regulations*. For example, the proposed definition of SER is not consistent with proposed subparagraph (3)(A)4.A. Also, the amount of NO_x emission reductions required for certain sources subject to the proposed rule are not consistently stated.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program appreciates the involvement of the CLC in developing this rule.

CLC proposes language for the definition of baseline inventory that is not substantively different than the rule. The proposed rule provides for the most current approved emission inventory to be utilized in the baseline emission inventory calculation. The use of the most recent approved emission inventory will allow for the State Implementation Plan (SIP) process to identify potential errors in the inventory and not penalize or reward companies by having an inaccurate inventory as the baseline. It will ensure consistent treatment of all sources in (or out of) the baseline inventory for the purposes of this rule. It should be noted that this rule will not be part of the eight (8)-hour ozone attainment SIP as initially described in the regulatory impact report. This change was presented at the public hearing and is due to the five (5)-year limitation associated with this rule and a couple other characteristics of the rule that would not match up well with the federal requirements for SIP approval.

In its comment on the definition of project-specific net emissions increase, CLC addresses the use of project-specific net emission increase and its comparability to similar terms within the PSD program. The use of this term is necessary due to the ever-changing nature of the net emission increase in New Source Review (NSR). This project-specific net NO_x emissions increase is the difference between the projected allowable emission level, after Best Available Control Technology (BACT) control, and the baseline emission level for that unit (zero if a new unit) in tons per ozone season. The baseline is based on a fixed ozone season inventory utilized in the most current approved version of the SIP for ozone in St. Louis. The use of the netting or emission increase calculation for a modification in 40 CFR 52.21(b)(3)(i)(a) is not acceptable for the purposes of this rule because it changes the baseline comparison and does not represent a difference from the attainment demonstration/modeling exercise that would be meaningful. Therefore, the use of this term is necessary to clarify that this is a different measure than those found in other parts of the major source construction permit program.

Regarding the use of PSD terms in this rule, the major modification regulations are not necessarily based on the same calculation as the upwind NO_x rule project net emission difference. However, the

initial trigger for inclusion in the upwind NO_x rule is PSD applicability. Therefore, if a source does not trigger the PSD NO_x emission threshold, it would not be considered under this regulation regardless of its project net emission increase. The key difference in this situation is the use of the major modification emission calculation methodology differences between this rule and the corresponding permitting thresholds for NSR. The department's Air Pollution Control Program has considered this issue and is confident that the current rule is explicit and provides the necessary clarity for implementation.

A change was made to the definition of SERs in response to the comment about clarity within the rule. The definition will now refer to beyond BACT emission controls. For the purposes of this rule, it should be noted that the Potential to Emit for the project will be the post-BACT emissions during the ozone season.

Regarding the consistency of NO_x reductions, the rule is specific in treating sources (e.g., utilities) that are part of the NO_x SIP call or Clean Air Interstate Rule (CAIR) trading programs. The provisions in paragraph (3)(A)3. are designed to ensure that a source that meets the applicability requirements are given the full range of control options with respect to all other sources in the trading program. The rule, also, specifically requires purchasing allowances from the county that includes the new source or in the St. Louis eight (8)-hour ozone nonattainment area for emission increases over nine hundred (900) tons per ozone season. These provisions are consistent with the manner that another new source subject to the rule would be treated. In summary, the new utility source would have to offset all the emission increases by purchasing allowances in either trading program, but would only be allowed to be trade allowances from units in the nonattainment area for emissions above nine hundred (900) tons per ozone season.

10 CSR 10-6.345 Control of NO_x Emissions From Upwind Sources

(2) Definitions.

(D) Supplemental Emission Reductions (SERs)—Equals Potential to Emit minus beyond Best Achievable Control Technology (BACT) emission controls minus emission offsets minus credits minus nine hundred (900) tons per ozone season.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 3—Hazardous Waste Management System: General

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 719-720). No changes were made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 4—Methods for Identifying Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-4.261 Methods for Identifying Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 720). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 5—Rules Applicable to Generators of Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 720-721). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 6—Rules Applicable to Transporters of Hazardous Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-6.263 Standards for Transporters of Hazardous Waste is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 721). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 721-722). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 722). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

ment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 722-723). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-7.268 Land Disposal Restrictions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 723). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 723-724). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 11—Used Oil

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-11.279 Recycled Used Oil Management Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 724). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 16—Universal Waste

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under section 260.370, RSMo Supp. 2005, the commission hereby amends a rule as follows:

10 CSR 25-16.273 Standards for Universal Waste Management is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 724-725). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held June 15, 2006, and the public comment period ended June 29, 2006. Representatives from the University of Missouri-Columbia and the Regulatory Environmental Group for Missouri (REGFORM) testified in support of the amendments incorporating the federal rules. The department received no written comments on this rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division amends a rule as follows:

11 CSR 40-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2006 (31 MoReg 852-853). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division adopts a rule as follows:

11 CSR 40-2.025 Installation Permits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2006 (31 MoReg 853-856). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Fire Safety received (1) comment on the proposed rule.

COMMENT: Darryl Peetz with Arise Incorporated suggests that the pressure vessels and hot water heaters should be removed from the rule and installation permits only apply to boilers.

RESPONSE: The Boiler and Pressure Vessel Board discussed the comment at the August 10, 2006 board meeting and decided to leave pressure vessels and water heaters included in the rule to maintain uniformity. The installation process of pressure vessels and water heaters will be monitored after six to twelve (6-12)-month period to see if there is a need that they be removed from the installation permit rule. 11 CSR 40-2.025 will be left as is. No action required.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General
Applicability

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-3.100 Filing of Claims, Medicaid Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1085-1087). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General
Applicability

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.201, RSMo 2000, and 208.431 and 208.435, RSMo Supp. 2005, the division amends a rule as follows:

13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1087-1090). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 4—Conditions of Recipient Participation,
Rights and Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.201, 208.633, 208.636, 208.643, 208.646, 208.650, 208.655 and 208.657, RSMo 2000 and 208.631, 208.640 and 208.647, RSMo Supp. 2005, and Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill 1011, 93rd General Assembly, the division amends a rule as follows:

13 CSR 70-4.080 Children's Health Insurance Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1091-1094). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 45—Hearing Aid Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, and 208.152, RSMo Supp. 2005, the division amends a rule as follows:

13 CSR 70-45.010 Hearing Aid Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 17, 2006 (31 MoReg 1095). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 65—Rehabilitation Center Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-65.010 Rehabilitation Center Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 987-988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 70—Therapy Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-70.010 Therapy Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006

(31 MoReg 987-988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 90—Home Health Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000 and 208.152, RSMo Supp. 2005, the division amends a rule as follows:

13 CSR 70-90.010 Home Health-Care Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 95—Private Duty Nursing Care Under the
Healthy Children and Youth Program

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152, RSMo Supp. 2005 and 208.153 and 208.201, RSMo 2000, the division amends a rule as follows:

13 CSR 70-95.010 Private Duty Nursing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 99—Comprehensive Day Rehabilitation

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152 and 208.631, RSMo Supp. 2005 and 208.153, 208.164, 208.201 and 208.633, RSMo 2000, the division amends a rule as follows:

13 CSR 70-99.010 Comprehensive Day Rehabilitation Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 3, 2006 (31 MoReg 988-989). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION
OF CORPORATION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
HANNIBAL FINANCE COMPANY, INC.**

NOTICE HEREBY IS GIVEN that on September 15, 2006, HANNIBAL FINANCE COMPANY, INC, a Missouri corporation (the "Company"), which maintains its principle office at 505 Broadway, Hannibal, Missouri 63401, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State effective on September 15, 2006 and is now winding-up its affairs.

Any claims against the Company may be sent to Hannibal Finance Company, Inc., c/o Leonard J. Essig, Esq., 500 North Broadway, Suite 2000, St. Louis, Missouri 63102.

Each claim should include the following: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the date on which the claim arose; (iv) the basis for the claim; and (v) documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF DISSOLUTION
OF CORPORATION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
F & M FINANCIAL SERVICES COMPANY, INC.**

NOTICE HEREBY IS GIVEN that on September 15, 2006, F & M FINANCIAL SERVICES COMPANY, INC, a Missouri corporation (the "Company"), which maintains its principle office at 515 Broadway, Hannibal, Missouri 63401, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State effective on September 15, 2006 and is now winding-up its affairs.

Any claims against the Company may be sent to F & M Financial Services Company, Inc., c/o Leonard J. Essig, Esq., 500 North Broadway, Suite 2000, St. Louis, Missouri 63102.

Each claim should include the following: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the date on which the claim arose; (iv) the basis for the claim; and (v) documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF DISSOLUTION OF CORPORATION**TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HOME CARE HEALTH SERVICES, INC.**

On April 14, 2006 Home Care Health Services, Inc., a Missouri corporation, (hereinafter the "Corporation") filed its Articles of Dissolution with the Missouri Secretary of State, effective on April 14, 2006.

Any claims against the Company shall be sent to:

Hinshaw & Culbertson LLP
Attn: David G. Asmus
701 Market Street, Suite 1300
St. Louis, Missouri 63101

Each claim must include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim..

NOTICE: Because of the dissolution of Home Care Health Service, Inc. any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

NOTICE OF DISSOLUTION OF CORPORATION**TO ALL CREDITORS OF AND CLAIMANTS AGAINST
HOME CARE HEALTH SERVICES II CORP.**

On April 14, 2006 Home Care Health Services II Corp., a Missouri corporation, (hereinafter the "Corporation") filed its Articles of Dissolution with the Missouri Secretary of State, effective on April 14, 2006.

Any claims against the Company shall be sent to:

Hinshaw & Culbertson LLP
Attn: David G. Asmus
701 Market Street, Suite 1300
St. Louis, Missouri 63101

Each claim must include the following information: the name, address and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim..

NOTICE: Because of the dissolution of Home Care Health Service II Corp. any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against CHAPEL RIDGE SHOPPING CENTER, L.L.C., a Missouri Limited Liability Company.

On September 13, 2006, CHAPEL RIDGE SHOPPING CENTER, L.L.C., a Missouri Limited Liability Company, Charter Number **LC0021262**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o CHINNERY EVANS & NAIL, P.C., 200 S.E. Douglas St., Suite 200, Lee's Summit, Missouri 64063.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of CHAPEL RIDGE SHOPPING CENTER, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST CHAPEL RIDGE SHOPPING CENTER, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST WATERFORD BUILDERS, LLC

On September 18, 2006, Waterford Builders, LLC, filed Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against Waterford Builders, LLC, must be submitted to Rick J. Muenks, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Claims must include name and address of claimant; amount of claim; basis of claim; and documentation of claim. By law, proceedings are barred unless commenced against the LLC within three years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against CHAPEL RIDGE OFFICE PARK, L.L.C., a Missouri Limited Liability Company.

On September 15, 2006, CHAPEL RIDGE OFFICE PARK, L.L.C., a Missouri Limited Liability Company, Charter Number LC0020372, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o CHINNERY EVANS & NAIL, P.C., 200 S.E. Douglas St., Suite 200, Lee's Summit, Missouri 64063.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of CHAPEL RIDGE OFFICE PARK, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST CHAPEL RIDGE OFFICE PARK, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST EVERGREEN PARK DEVELOPMENT, LLC

On September 18, 2006, Evergreen Park Development, LLC, filed Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against Evergreen Park Development, LLC, must be submitted to Rick J. Muenks, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Claims must include name and address of claimant; amount of claim; basis of claim; and documentation of claim. By law, proceedings are barred unless commenced against the LLC within three years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-11.030	Commissioner of Administration		31 MoReg 901	31 MoReg 1567	
1 CSR 15-1.204	Administrative Hearing Commission		31 MoReg 971	31 MoReg 1670	
1 CSR 15-3.200	Administrative Hearing Commission		31 MoReg 971	31 MoReg 1670	
1 CSR 15-3.350	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1670	
1 CSR 15-3.390	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1670	
1 CSR 15-3.420	Administrative Hearing Commission		31 MoReg 972	31 MoReg 1671	
1 CSR 15-3.470	Administrative Hearing Commission		31 MoReg 973	31 MoReg 1671	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		31 MoReg 1057		
DEPARTMENT OF AGRICULTURE					
2 CSR 110-2.010	Office of the Director	31 MoReg 1293	31 MoReg 1306		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		31 MoReg 1058	31 MoReg 1567	
3 CSR 10-4.111	Conservation Commission		31 MoReg 768	31 MoReg 1567	
3 CSR 10-4.117	Conservation Commission		This Issue		
3 CSR 10-4.145	Conservation Commission		This Issue		
3 CSR 10-5.310	Conservation Commission		This Issue		
3 CSR 10-5.315	Conservation Commission		This Issue		
3 CSR 10-5.320	Conservation Commission		This Issue		
3 CSR 10-5.330	Conservation Commission		This Issue		
3 CSR 10-5.351	Conservation Commission		This Issue		
3 CSR 10-5.352	Conservation Commission		This Issue		
3 CSR 10-5.375	Conservation Commission		This Issue		
3 CSR 10-5.440	Conservation Commission		This Issue		
3 CSR 10-5.460	Conservation Commission		This Issue		
3 CSR 10-5.465	Conservation Commission		This Issue		
3 CSR 10-5.540	Conservation Commission		This Issue		
3 CSR 10-5.545	Conservation Commission		This Issue		
3 CSR 10-5.551	Conservation Commission		This Issue		
3 CSR 10-5.552	Conservation Commission		This Issue		
3 CSR 10-5.554	Conservation Commission		This Issue		
3 CSR 10-5.559	Conservation Commission		This Issue		
3 CSR 10-5.560	Conservation Commission		This Issue		
3 CSR 10-5.565	Conservation Commission		This Issue		
3 CSR 10-5.570	Conservation Commission		This Issue		
3 CSR 10-5.576	Conservation Commission		This Issue		
3 CSR 10-6.405	Conservation Commission		This Issue		
3 CSR 10-6.410	Conservation Commission		This Issue		
3 CSR 10-6.505	Conservation Commission		This Issue		
3 CSR 10-6.510	Conservation Commission		This Issue		
3 CSR 10-6.515	Conservation Commission		This Issue		
3 CSR 10-6.520	Conservation Commission		This Issue		
3 CSR 10-6.525	Conservation Commission		This Issue		
3 CSR 10-6.530	Conservation Commission		This Issue		
3 CSR 10-6.533	Conservation Commission		This Issue		
3 CSR 10-6.535	Conservation Commission		This Issue		
3 CSR 10-6.540	Conservation Commission		This Issue		
3 CSR 10-6.545	Conservation Commission		This Issue		
3 CSR 10-6.550	Conservation Commission		This Issue		
3 CSR 10-6.605	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		This Issue		
3 CSR 10-7.415	Conservation Commission		This Issue		
3 CSR 10-7.430	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission		N.A.	31 MoReg 1568	
3 CSR 10-7.450	Conservation Commission		This Issue		
3 CSR 10-7.455	Conservation Commission		N.A.	31 MoReg 1569	
3 CSR 10-8.510	Conservation Commission		This Issue		
3 CSR 10-8.515	Conservation Commission		This Issue		
3 CSR 10-9.105	Conservation Commission		This Issue		
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.220	Conservation Commission		This Issue		
3 CSR 10-9.351	Conservation Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.353	Conservation Commission		This IssueR This Issue		
3 CSR 10-9.359	Conservation Commission		This Issue		
3 CSR 10-9.425	Conservation Commission		This Issue		
3 CSR 10-9.442	Conservation Commission		N.A.	31 MoReg 1569	
3 CSR 10-9.560	Conservation Commission		This Issue		
3 CSR 10-9.565	Conservation Commission		31 MoReg 769 This Issue		
3 CSR 10-9.625	Conservation Commission		This Issue		
3 CSR 10-9.627	Conservation Commission		This Issue		
3 CSR 10-9.628	Conservation Commission		This Issue		
3 CSR 10-10.722	Conservation Commission		31 MoReg 973	31 MoReg 1436	
3 CSR 10-10.725	Conservation Commission		This Issue		
3 CSR 10-10.735	Conservation Commission		This Issue		
3 CSR 10-11.125	Conservation Commission		This Issue		
3 CSR 10-11.140	Conservation Commission		This Issue		
3 CSR 10-11.160	Conservation Commission		This Issue		
3 CSR 10-11.180	Conservation Commission		This Issue		
3 CSR 10-11.200	Conservation Commission		This Issue		
3 CSR 10-11.205	Conservation Commission		This Issue		
3 CSR 10-11.210	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.109	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.130	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		N.A.	31 MoReg 1570	
3 CSR 10-12.140	Conservation Commission		N.A.	31 MoReg 1570	
3 CSR 10-12.145	Conservation Commission		This Issue		
3 CSR 10-12.150	Conservation Commission		N.A.	31 MoReg 1571	
3 CSR 10-12.155	Conservation Commission		This Issue		
3 CSR 10-20.805	Conservation Commission		This Issue		

DEPARTMENT OF ECONOMIC DEVELOPMENT

4 CSR 10	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010)</i>			31 MoReg 1330	
4 CSR 10-1.010	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-1.010)</i>		31 MoReg 653	31 MoReg 1571	
4 CSR 10-1.020	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-1.020)</i>		31 MoReg 653	31 MoReg 1571	
4 CSR 10-1.050	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-1.050)</i>		31 MoReg 654	31 MoReg 1572	
4 CSR 10-2.005	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.005)</i>		31 MoReg 656	31 MoReg 1572	
4 CSR 10-2.022	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.022)</i>		31 MoReg 656R 31 MoReg 656	31 MoReg 1572R 31 MoReg 1573	
4 CSR 10-2.041	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.041)</i>		31 MoReg 659	31 MoReg 1573	
4 CSR 10-2.051	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.051)</i>		31 MoReg 659	31 MoReg 1573	
4 CSR 10-2.065	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.065)</i>		31 MoReg 660	31 MoReg 1573	
4 CSR 10-2.070	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.070)</i>		31 MoReg 663	31 MoReg 1573	
4 CSR 10-2.072	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.072)</i>		31 MoReg 663	31 MoReg 1574	
4 CSR 10-2.075	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.075)</i>		31 MoReg 664	31 MoReg 1574	
4 CSR 10-2.130	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.130)</i>		31 MoReg 664R 31 MoReg 664	31 MoReg 1574R 31 MoReg 1574	
4 CSR 10-2.140	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.140)</i>		31 MoReg 667	31 MoReg 1574	
4 CSR 10-2.150	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.150)</i>		31 MoReg 668R 31 MoReg 668	31 MoReg 1575R 31 MoReg 1575	
4 CSR 10-2.160	Missouri State Board of Accountancy <i>(Changed to 20 CSR 2010-2.160)</i>		31 MoReg 669	31 MoReg 1575	
4 CSR 15	Acupuncturist Advisory Committee <i>(Changed to 20 CSR 2015)</i>				31 MoReg 1330
4 CSR 30	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects <i>(Changed to 20 CSR 2030)</i>				31 MoReg 1331
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects <i>(Changed to 20 CSR 2030-6.015)</i>		31 MoReg 1392		
4 CSR 40	Office of Athletics <i>(Changed to 20 CSR 2040)</i>				31 MoReg 1332
4 CSR 40-4.040	Office of Athletics <i>(Changed to 20 CSR 2040-4.040)</i>		31 MoReg 1310		

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4 CSR 40-4.090	Office of Athletics <i>(Changed to 20 CSR 2040-4.090)</i>		31 MoReg 1310		
4 CSR 45	Athlete Agents <i>(Changed to 20 CSR 2045)</i>			31 MoReg 1333	
4 CSR 50	State Banking Board <i>(Changed to 20 CSR 1135)</i>			31 MoReg 1333	
4 CSR 60	State Board of Barber Examiners <i>(Changed to 20 CSR 2060)</i>			31 MoReg 1333	
4 CSR 65	Endowed Care Cemeteries <i>(Changed to 20 CSR 2065)</i>			31 MoReg 1333	
4 CSR 70	State Board of Chiropractic Examiners <i>(Changed to 20 CSR 2070)</i>			31 MoReg 1334	
4 CSR 85-4.010	Division of Community and Economic Development		31 MoReg 973		
4 CSR 90	State Board of Cosmetology <i>(Changed to 20 CSR 2090)</i>			31 MoReg 1334	
4 CSR 95	Committee for Professional Counselors <i>(Changed to 20 CSR 2095)</i>			31 MoReg 1335	
4 CSR 100	Division of Credit Unions <i>(Changed to 20 CSR 1100)</i>			31 MoReg 1335	
4 CSR 100-2.075	Division of Credit Unions		31 MoReg 1058		
4 CSR 105	Credit Union Commission <i>(Changed to 20 CSR 1105)</i>			31 MoReg 1336	
4 CSR 105-3.010	Credit Union Commission		31 MoReg 1061		
4 CSR 105-3.011	Credit Union Commission		31 MoReg 1062		
4 CSR 105-3.012	Credit Union Commission		31 MoReg 1063		
4 CSR 110	Missouri Dental Board <i>(Changed to 20 CSR 2110)</i>			31 MoReg 1336	
4 CSR 110-2.110	Missouri Dental Board <i>(Changed to 20 CSR 2110-2.110)</i>		31 MoReg 1395		
4 CSR 110-2.114	Missouri Dental Board <i>(Changed to 20 CSR 2110-2.114)</i>		31 MoReg 1395		
4 CSR 115	State Committee of Dietitians <i>(Changed to 20 CSR 2115)</i>			31 MoReg 1337	
4 CSR 120	State board of Embalmers and Funeral Directors <i>(Changed to 20 CSR 2120)</i>			31 MoReg 1337	
4 CSR 140	Division of Finance <i>(Changed to 20 CSR 1140)</i>			31 MoReg 1337	
4 CSR 145	Missouri Board of Geologist Registration <i>(Changed to 20 CSR 2145)</i>			31 MoReg 1339	
4 CSR 150	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150)</i>			31 MoReg 1340	
4 CSR 150-2.125	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150-2.125)</i>		31 MoReg 1398		
4 CSR 150-3.010	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150-3.010)</i>		31 MoReg 1398		
4 CSR 150-3.203	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150-3.203)</i>		31 MoReg 1399		
4 CSR 150-5.100	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150-5.100)</i>		31 MoReg 1399		
4 CSR 150-7.135	State Board of Registration for the Healing Arts <i>(Changed to 20 CSR 2150-7.135)</i>		31 MoReg 1400		
4 CSR 165	Board of Examiners for Hearing Instrument Specialists <i>(Changed to 20 CSR 2165)</i>			31 MoReg 1342	
4 CSR 193	Interior Design Council <i>(Changed to 20 CSR 2193)</i>			31 MoReg 1342	
4 CSR 197	Board of Therapeutic Massage <i>(Changed to 20 CSR 2197)</i>			31 MoReg 1342	
4 CSR 200	State Board of Nursing <i>(Changed to 20 CSR 2200)</i>			31 MoReg 1343	
4 CSR 200-4.100	State Board of Nursing <i>(Changed to 20 CSR 2200-4.100)</i>		31 MoReg 1401		
4 CSR 200-4.200	State Board of Nursing <i>(Changed to 20 CSR 2200-4.200)</i>		31 MoReg 1401		
4 CSR 205	Missouri Board of Occupational Therapy <i>(Changed to 20 CSR 2205)</i>			31 MoReg 1344	
4 CSR 210	State Board of Optometry <i>(Changed to 20 CSR 2210)</i>			31 MoReg 1344	
4 CSR 220	State Board of Pharmacy <i>(Changed to 20 CSR 2220)</i>			31 MoReg 1344	
4 CSR 220-2.010	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.010)</i>		31 MoReg 1468		
4 CSR 220-2.020	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.020)</i>		31 MoReg 1474		
4 CSR 220-2.025	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.025)</i>		31 MoReg 1474		
4 CSR 220-2.190	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.190)</i>		31 MoReg 1479		
4 CSR 220-2.450	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.450)</i>		31 MoReg 1479		

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4 CSR 220-2.900	State Board of Pharmacy <i>(Changed to 20 CSR 2220-2.900)</i>		31 MoReg 1482		
4 CSR 220-5.020	State Board of Pharmacy <i>(Changed to 20 CSR 2220-5.020)</i>		31 MoReg 1485		
4 CSR 220-5.030	State Board of Pharmacy <i>(Changed to 20 CSR 2220-5.030)</i>		31 MoReg 1485		
4 CSR 230	State Board of Podiatric Medicine <i>(Changed to 20 CSR 2230)</i>				31 MoReg 1345
4 CSR 231	Division of Professional Registration <i>(Changed to 20 CSR 2231)</i>				31 MoReg 1346
4 CSR 232	Missouri State Committee of Interpreters <i>(Changed to 20 CSR 2232)</i>				31 MoReg 1346
4 CSR 232-2.040	Missouri State Committee of Interpreters <i>(Changed to 20 CSR 2232-2.040)</i>	31 MoReg 1465	31 MoReg 1486		
4 CSR 232-3.010	Missouri State Committee of Interpreters		31 MoReg 1211		
4 CSR 233	State Committee of Marital and Family Therapists <i>(Changed to 20 CSR 2233)</i>				31 MoReg 1346
4 CSR 235	State Committee of Psychologists <i>(Changed to 20 CSR 2235)</i>				31 MoReg 1346
4 CSR 235-5.030	State Committee of Psychologists		31 MoReg 1212R 31 MoReg 1212		
4 CSR 235-7.020	State Committee of Psychologists		31 MoReg 1218		
4 CSR 235-7.030	State Committee of Psychologists		31 MoReg 1218		
4 CSR 240-2.135	Public Service Commission		31 MoReg 982		
4 CSR 240-3.161	Public Service Commission		31 MoReg 1063		
4 CSR 240-3.545	Public Service Commission		31 MoReg 902		
4 CSR 240-13.055	Public Service Commission		31 MoReg 902	31 MoReg 1436	
4 CSR 240-20.090	Public Service Commission		31 MoReg 1076		
4 CSR 240-37.010	Public Service Commission		This Issue		
4 CSR 240-37.020	Public Service Commission		This Issue		
4 CSR 240-37.030	Public Service Commission		This Issue		
4 CSR 240-37.040	Public Service Commission		This Issue		
4 CSR 240-37.050	Public Service Commission		This Issue		
4 CSR 240-37.060	Public Service Commission		This Issue		
4 CSR 245	Real Estate Appraisers <i>(Changed to 20 CSR 2245)</i>				31 MoReg 1347
4 CSR 250	Missouri Real Estate Commission <i>(Changed to 20 CSR 2250)</i>				31 MoReg 1348
4 CSR 255	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255)</i>				31 MoReg 1349
4 CSR 255-1.040	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255-1.040)</i>		31 MoReg 1402		
4 CSR 255-2.010	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255-2.010)</i>		31 MoReg 1405		
4 CSR 255-2.020	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255-2.020)</i>		31 MoReg 1407		
4 CSR 255-2.030	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255-2.030)</i>		31 MoReg 1409		
4 CSR 255-4.010	Missouri Board for Respiratory Care <i>(Changed to 20 CSR 2255-4.010)</i>		31 MoReg 1411		
4 CSR 263	State Committee for Social Workers <i>(Changed to 20 CSR 2263)</i>				31 MoReg 1349
4 CSR 263-1.035	State Committee for Social Workers <i>(Changed to 20 CSR 2263-1.035)</i>		31 MoReg 1412		
4 CSR 263-2.090	State Committee for Social Workers <i>(Changed to 20 CSR 2263-2.090)</i>		31 MoReg 1415		
4 CSR 267	Office of Tattooing, Body Piercing and Branding <i>(Changed to 20 CSR 2267)</i>				31 MoReg 1350
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		31 MoReg 1219		
4 CSR 270	Missouri Veterinary Medical Board <i>(Changed to 20 CSR 2270)</i>				31 MoReg 1350
4 CSR 270-1.050	Missouri Veterinary Medical Board <i>(Changed to 20 CSR 2270-1.050)</i>		31 MoReg 1417		

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-260.010	Division of Administrative and Financial Services	31 MoReg 849	31 MoReg 1671
5 CSR 30-261.025	Division of Administrative and Financial Services	31 MoReg 984	
5 CSR 30-345.010	Division of Administrative and Financial Services	31 MoReg 1417R	
5 CSR 50-200.010	Division of School Improvement	This Issue	
5 CSR 50-200.050	Division of School Improvement	31 MoReg 1641	
5 CSR 50-345.020	Division of School Improvement	31 MoReg 1223R	
5 CSR 60-100.050	Division of Career Education	31 MoReg 1644R	
5 CSR 80-805.015	Teacher Quality and Urban Education	31 MoReg 1223	
5 CSR 80-805.030	Teacher Quality and Urban Education	31 MoReg 849	31 MoReg 1671

DEPARTMENT OF TRANSPORTATION

7 CSR 10-1.010	Missouri Highways and Transportation Commission	31 MoReg 1083
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7 CSR 10-25.010	Missouri Highways and Transportation Commission				31 MoReg 1439 31 MoReg 1589
7 CSR 10-25.040	Missouri Highways and Transportation Commission		31 MoReg 906	31 MoReg 1671	
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8 CSR 50-2.030	Division of Workers' Compensation	31 MoReg 1377	31 MoReg 1417		
8 CSR 50-2.060	Division of Workers' Compensation		31 MoReg 770R 31 MoReg 771	31 MoReg 1328R 31 MoReg 1328	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.140	Director, Department of Mental Health		31 MoReg 1486		
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704	31 MoReg 1575	
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704	31 MoReg 1576	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.300	Air Conservation Commission		31 MoReg 714	31 MoReg 1583	
10 CSR 10-6.062	Air Conservation Commission		This Issue		
10 CSR 10-6.070	Air Conservation Commission		31 MoReg 906	This Issue	
10 CSR 10-6.075	Air Conservation Commission		31 MoReg 908	This Issue	
10 CSR 10-6.080	Air Conservation Commission		31 MoReg 910	This Issue	
10 CSR 10-6.110	Air Conservation Commission		31 MoReg 911	This Issue	
10 CSR 10-6.345	Air Conservation Commission		31 MoReg 919	This Issue	
10 CSR 10-6.350	Air Conservation Commission		This Issue		
10 CSR 10-6.360	Air Conservation Commission		This Issue		
10 CSR 10-6.362	Air Conservation Commission		This Issue		
10 CSR 10-6.364	Air Conservation Commission		This Issue		
10 CSR 10-6.366	Air Conservation Commission		This Issue		
10 CSR 10-6.368	Air Conservation Commission		This Issue		
10 CSR 20-1.020	Clean Water Commission		31 MoReg 851		
10 CSR 23-1.075	Geological Survey and Resource Assessment Division		31 MoReg 1644		
10 CSR 25-3.260	Hazardous Waste Management Commission		31 MoReg 719	This Issue	
10 CSR 25-4.261	Hazardous Waste Management Commission		31 MoReg 720	This Issue	
10 CSR 25-5.262	Hazardous Waste Management Commission		31 MoReg 720	This Issue	
10 CSR 25-6.263	Hazardous Waste Management Commission		31 MoReg 721	This Issue	
10 CSR 25-7.264	Hazardous Waste Management Commission		31 MoReg 721	This Issue	
10 CSR 25-7.265	Hazardous Waste Management Commission		31 MoReg 722	This Issue	
10 CSR 25-7.266	Hazardous Waste Management Commission		31 MoReg 722	This Issue	
10 CSR 25-7.268	Hazardous Waste Management Commission		31 MoReg 723	This Issue	
10 CSR 25-7.270	Hazardous Waste Management Commission		31 MoReg 723	This Issue	
10 CSR 25-11.279	Hazardous Waste Management Commission		31 MoReg 724	This Issue	
10 CSR 25-16.273	Hazardous Waste Management Commission		31 MoReg 725	This Issue	
10 CSR 50-2.030	Oil and Gas Council		31 MoReg 1645		
10 CSR 80-2.010	Solid Waste Management		31 MoReg 1141		
10 CSR 80-2.015	Solid Waste Management		31 MoReg 1145		
10 CSR 140-2.020	Division of Energy				31 MoReg 872
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11 CSR 10-5.010	Adjutant General	31 MoReg 1380	31 MoReg 1422		
11 CSR 40-2.010	Division of Fire Safety		31 MoReg 852	This Issue	
11 CSR 40-2.025	Division of Fire Safety		31 MoReg 853	This Issue	
11 CSR 45-3.010	Missouri Gaming Commission		31 MoReg 725	31 MoReg 1587	
11 CSR 45-4.260	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-5.180	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.190	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.200	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.237	Missouri Gaming Commission		31 MoReg 1155		
11 CSR 45-7.030	Missouri Gaming Commission		31 MoReg 1313		
11 CSR 45-7.040	Missouri Gaming Commission		31 MoReg 1315		
11 CSR 45-7.080	Missouri Gaming Commission		31 MoReg 1317		
11 CSR 45-7.120	Missouri Gaming Commission		31 MoReg 1319		
11 CSR 45-8.060	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-10.020	Missouri Gaming Commission		31 MoReg 726	31 MoReg 1587	
11 CSR 45-11.040	Missouri Gaming Commission		31 MoReg 1491		
11 CSR 45-11.090	Missouri Gaming Commission		31 MoReg 1492R		
11 CSR 45-11.110	Missouri Gaming Commission		31 MoReg 1492		
11 CSR 45-12.020	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.040	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.090	Missouri Gaming Commission		31 MoReg 1494		
11 CSR 50-2.320	Missouri State Highway Patrol		31 MoReg 1425		
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12 CSR 10-23.422	Director of Revenue		31 MoReg 1494R		
12 CSR 10-42.070	Director of Revenue		31 MoReg 1319R		
12 CSR 10-43.010	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.020	Director of Revenue		31 MoReg 1646		

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12 CSR 10-43.030	Director of Revenue		31 MoReg 1647		
12 CSR 10-103.400	Director of Revenue		31 MoReg 857	31 MoReg 1587	
12 CSR 10-108.300	Director of Revenue		31 MoReg 861	31 MoReg 1587	
12 CSR 10-200.010	Director of Revenue		31 MoReg 727	31 MoReg 1328W	
12 CSR 30-1.010	State Tax Commission		31 MoReg 771	31 MoReg 1328	
12 CSR 30-1.020	State Tax Commission		31 MoReg 772	31 MoReg 1328	
12 CSR 30-3.090	State Tax Commission		31 MoReg 772	31 MoReg 1329	
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13 CSR 35-60.010	Children's Division	31 MoReg 1295	31 MoReg 1319		
13 CSR 35-60.020	Children's Division		31 MoReg 1320		
13 CSR 35-60.030	Children's Division	31 MoReg 1296	31 MoReg 1320		
13 CSR 35-60.040	Children's Division		31 MoReg 1321		
13 CSR 35-60.050	Children's Division		31 MoReg 1322		
13 CSR 35-60.060	Children's Division		31 MoReg 1324		
13 CSR 35-100.010	Children's Division	31 MoReg 1623	31 MoReg 1648		
13 CSR 35-100.020	Children's Division	31 MoReg 1628	31 MoReg 1653		
13 CSR 40-60.010	Family Support Division	31 MoReg 1297R	31 MoReg 1324R		
13 CSR 40-60.020	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.030	Family Support Division	31 MoReg 1297R	31 MoReg 1325R		
13 CSR 40-60.040	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.050	Family Support Division		31 MoReg 1325R		
13 CSR 40-60.060	Family Support Division		31 MoReg 1326R		
13 CSR 40-79.010	Family Support Division	31 MoReg 1635	31 MoReg 1662		
13 CSR 70-1.010	Division of Medical Services		31 MoReg 772	31 MoReg 1329	
13 CSR 70-2.100	Division of Medical Services		This Issue		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 1155		
13 CSR 70-3.100	Division of Medical Services		31 MoReg 1086	This Issue	
13 CSR 70-3.170	Division of Medical Services	31 MoReg 899 31 MoReg 1047	31 MoReg 1087	This Issue	
13 CSR 70-3.180	Division of Medical Services		31 MoReg 1155		
13 CSR 70-4.080	Division of Medical Services	31 MoReg 1048	31 MoReg 1091	This Issue	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 1326		
13 CSR 70-10.015	Division of Medical Services	31 MoReg 1050	31 MoReg 920	31 MoReg 1588	
13 CSR 70-10.080	Division of Medical Services	31 MoReg 1051	31 MoReg 923	31 MoReg 1588	
13 CSR 70-15.010	Division of Medical Services		31 MoReg 1156		
13 CSR 70-15.110	Division of Medical Services	31 MoReg 900 31 MoReg 1052	31 MoReg 925	31 MoReg 1588	
13 CSR 70-40.010	Division of Medical Services	31 MoReg 1052	31 MoReg 927	31 MoReg 1588	
13 CSR 70-45.010	Division of Medical Services		31 MoReg 1095	This Issue	
13 CSR 70-60.010	Division of Medical Services	31 MoReg 1053	31 MoReg 929	31 MoReg 1588	
13 CSR 70-65.010	Division of Medical Services		31 MoReg 987	This Issue	
13 CSR 70-70.010	Division of Medical Services		31 MoReg 987	This Issue	
13 CSR 70-90.010	Division of Medical Services		31 MoReg 988	This Issue	
13 CSR 70-95.010	Division of Medical Services		31 MoReg 988	This Issue	
13 CSR 70-99.010	Division of Medical Services		31 MoReg 988	This Issue	
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14 CSR 80-5.020	State Board of Probation and Parole		31 MoReg 1428		
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15 CSR 30-10.010	Secretary of State	31 MoReg 1129	31 MoReg 1160		
15 CSR 30-10.020	Secretary of State	31 MoReg 1130	31 MoReg 1160		
15 CSR 30-10.130	Secretary of State	31 MoReg 1132	31 MoReg 1162		
15 CSR 30-10.140	Secretary of State	31 MoReg 1133	31 MoReg 1163		
15 CSR 30-10.150	Secretary of State	31 MoReg 1134	31 MoReg 1164		
15 CSR 30-10.160	Secretary of State	31 MoReg 1135	31 MoReg 1165		
15 CSR 30-54.060	Secretary of State		31 MoReg 1327		
15 CSR 40-3.030	State Auditor		31 MoReg 1166		
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16 CSR 50-10.050	The County Employees' Retirement Fund		31 MoReg 1430		
16 CSR 50-20.070	The County Employees' Retirement Fund		31 MoReg 1095		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-3.010	Office of State Public Defender		31 MoReg 1225		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-7.021	Division of Senior and Disability Services		31 MoReg 989		
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995		
19 CSR 30-82.010	Division of Regulation and Licensure		31 MoReg 1495		
19 CSR 30-83.010	Division of Regulation and Licensure		31 MoReg 1499		
19 CSR 30-84.030	Division of Regulation and Licensure		31 MoReg 1502		
19 CSR 30-84.040	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.012	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.022	Division of Regulation and Licensure		31 MoReg 1506		
19 CSR 30-86.032	Division of Regulation and Licensure		31 MoReg 1509		
19 CSR 30-86.042	Division of Regulation and Licensure		31 MoReg 1514		
19 CSR 30-86.043	Division of Regulation and Licensure		31 MoReg 1526		

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19 CSR 30-86.045	Division of Regulation and Licensure		31 MoReg 1536		
19 CSR 30-86.047	Division of Regulation and Licensure		31 MoReg 1540		
19 CSR 30-86.052	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.020	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.030	Division of Regulation and Licensure		31 MoReg 1560		
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 1565		
19 CSR 60-50	Missouri Health Facilities Review Committee				31 MoReg 1254 31 MoReg 1440 31 MoReg 1672
19 CSR 60-50.300	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	31 MoReg 1383	31 MoReg 1431		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	31 MoReg 1384	31 MoReg 1431		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	31 MoReg 1385	31 MoReg 1432		
19 CSR 60-50.470	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.600	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.800	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.900	Missouri Health Facilities Review Committee	31 MoReg 1388	31 MoReg 1434		
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				28 MoReg 2265 30 MoReg 108 30 MoReg 2587
20 CSR 200-6.300	Financial Examination		31 MoReg 1435		
20 CSR 200-11.101	Financial Examination		31 MoReg 776	31 MoReg 1438	
20 CSR 200-18.010	Financial Examination		31 MoReg 1166		
20 CSR 200-18.020	Financial Examination		31 MoReg 1174		
20 CSR 400-2.135	Life, Annuities and Health		31 MoReg 1566		
20 CSR 400-5.410	Life, Annuities and Health		31 MoReg 1226		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 1100	Division of Credit Unions <i>(Changed from 4 CSR 100)</i>				31 MoReg 1335
20 CSR 1105	Credit Union Commission <i>(Changed from 4 CSR 105)</i>				31 MoReg 1336
20 CSR 1135	State Banking Board <i>(Changed from 4 CSR 50)</i>				31 MoReg 1333
20 CSR 1140	Division of Finance <i>(Changed from 4 CSR 140)</i>				31 MoReg 1337
20 CSR 2010	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10)</i>				31 MoReg 1330
20 CSR 2010-1.010	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-1.010)</i>		31 MoReg 653	31 MoReg 1571	
20 CSR 2010-1.020	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-1.020)</i>		31 MoReg 653	31 MoReg 1571	
20 CSR 2010-1.050	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-1.050)</i>		31 MoReg 654	31 MoReg 1572	
20 CSR 2010-2.005	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.005)</i>		31 MoReg 656	31 MoReg 1572	
20 CSR 2010-2.022	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.022)</i>		31 MoReg 656R 31 MoReg 656	31 MoReg 1572R 31 MoReg 1573	
20 CSR 2010-2.041	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.041)</i>		31 MoReg 659	31 MoReg 1573	
20 CSR 2010-2.051	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.051)</i>		31 MoReg 659	31 MoReg 1573	
20 CSR 2010-2.065	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.065)</i>		31 MoReg 660	31 MoReg 1573	
20 CSR 2010-2.070	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.070)</i>		31 MoReg 663	31 MoReg 1573	
20 CSR 2010-2.072	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.072)</i>		31 MoReg 663	31 MoReg 1574	
20 CSR 2010-2.075	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.075)</i>		31 MoReg 664	31 MoReg 1574	
20 CSR 2010-2.130	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.130)</i>		31 MoReg 664R 31 MoReg 664	31 MoReg 1574R 31 MoReg 1574	
20 CSR 2010-2.140	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.140)</i>		31 MoReg 667	31 MoReg 1574	
20 CSR 2010-2.150	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.150)</i>		31 MoReg 668R 31 MoReg 668	31 MoReg 1575R 31 MoReg 1575	
20 CSR 2010-2.160	Missouri State Board of Accountancy <i>(Changed from 4 CSR 10-2.160)</i>		31 MoReg 669	31 MoReg 1575	

Rule Changes Since Update

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2015	Acupuncturist Advisory Committee <i>(Changed from 4 CSR 15)</i>				31 MoReg 1330
20 CSR 2030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects <i>(Changed from 4 CSR 30)</i>				31 MoReg 1331
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects <i>(Changed from 4 CSR 30-6.015)</i>		31 MoReg 1392		
20 CSR 2040	Office of Athletics <i>(Changed from 4 CSR 40)</i>				31 MoReg 1332
20 CSR 2040-4.040	Office of Athletics <i>(Changed from 4 CSR 40-4.040)</i>		31 MoReg 1310		
20 CSR 2040-4.090	Office of Athletics <i>(Changed from 4 CSR 40-4.090)</i>		31 MoReg 1310		
20 CSR 2045	Athlete Agents <i>(Changed from 4 CSR 45)</i>				31 MoReg 1333
20 CSR 2060	State Board of Barber Examiners <i>(Changed from 4 CSR 60)</i>				31 MoReg 1333
20 CSR 2065	Endowed Care Cemeteries <i>(Changed from 4 CSR 65)</i>				31 MoReg 1333
20 CSR 2070	State Board of Chiropractic Examiners <i>(Changed from 4 CSR 70)</i>				31 MoReg 1334
20 CSR 2090	State Board of Cosmetology <i>(Changed from 4 CSR 90)</i>				31 MoReg 1334
20 CSR 2095	Committee for Professional Counselors <i>(Changed from 4 CSR 95)</i>				31 MoReg 1335
20 CSR 2110	Missouri Dental Board <i>(Changed from 4 CSR 110)</i>				31 MoReg 1336
20 CSR 2110-2.110	Missouri Dental Board <i>(Changed from 4 CSR 110-2.110)</i>		31 MoReg 1395		
20 CSR 2110-2.114	Missouri Dental Board <i>(Changed from 4 CSR 110-2.114)</i>		31 MoReg 1395		
20 CSR 2115	State Committee of Dietitians <i>(Changed from 4 CSR 115)</i>				31 MoReg 1337
20 CSR 2120	State Board of Embalmers and Funeral Directors <i>(Changed from 4 CSR 120)</i>				31 MoReg 1337
20 CSR 2145	Missouri Board of Geologist Registration <i>(Changed from 4 CSR 145)</i>				31 MoReg 1340
20 CSR 2150	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150)</i>				31 MoReg 1340
20 CSR 2150-2.125	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150-2.125)</i>		31 MoReg 1398		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150-3.010)</i>		31 MoReg 1398		
20 CSR 2150-3.203	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150-3.203)</i>		31 MoReg 1399		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150-5.100)</i>		31 MoReg 1399		
20 CSR 2150-7.135	State Board of Registration for the Healing Arts <i>(Changed from 4 CSR 150-7.135)</i>		31 MoReg 1400		
20 CSR 2165	Board of Examiners for Hearing Instrument Specialists <i>(Changed from 4 CSR 165)</i>				31 MoReg 1342
20 CSR 2193	Interior Design Council <i>(Changed from 4 CSR 193)</i>				31 MoReg 1342
20 CSR 2197	Board of Therapeutic Massage <i>(Changed from 4 CSR 197)</i>				31 MoReg 1343
20 CSR 2200	State Board of Nursing <i>(Changed from 4 CSR 200)</i>				31 MoReg 1343
20 CSR 2200-4.100	State Board of Nursing <i>(Changed from 4 CSR 200-4.100)</i>		31 MoReg 1401		
20 CSR 2200-4.200	State Board of Nursing <i>(Changed from 4 CSR 200-4.200)</i>		31 MoReg 1401		
20 CSR 2205	Missouri Board of Occupational Therapy <i>(Changed from 4 CSR 205)</i>				31 MoReg 1344
20 CSR 2210	State Board of Optometry <i>(Changed from 4 CSR 210)</i>				31 MoReg 1344
20 CSR 2220	State Board of Pharmacy <i>(Changed from 4 CSR 220)</i>				31 MoReg 1344
20 CSR 2220-2.010	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.010)</i>		31 MoReg 1468		
20 CSR 2220-2.020	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.020)</i>		31 MoReg 1474		
20 CSR 2220-2.025	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.025)</i>		31 MoReg 1474		
20 CSR 2220-2.190	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.190)</i>		31 MoReg 1479		
20 CSR 2220-2.450	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.450)</i>		31 MoReg 1479		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2220-2.900	State Board of Pharmacy <i>(Changed from 4 CSR 220-2.900)</i>		31 MoReg 1482		
20 CSR 2220-5.020	State Board of Pharmacy <i>(Changed from 4 CSR 220-5.020)</i>		31 MoReg 1485		
20 CSR 2220-5.030	State Board of Pharmacy <i>(Changed from 4 CSR 220-5.030)</i>		31 MoReg 1485		
20 CSR 2230	State Board of Podiatric Medicine <i>(Changed from 4 CSR 230)</i>				31 MoReg 1345
20 CSR 2231	Division of Professional Registration <i>(Changed from 4 CSR 231)</i>				31 MoReg 1346
20 CSR 2232	Missouri State Committee of Interpreters <i>(Changed from 4 CSR 232)</i>				31 MoReg 1346
20 CSR 2232-2.040	Missouri State Committee of Interpreters <i>(Changed from 4 CSR 232-2.040)</i>	31 MoReg 1465	31 MoReg 1486		
20 CSR 2233	State Committee of Marital and Family Therapists <i>(Changed from 4 CSR 233)</i>				31 MoReg 1346
20 CSR 2235	State Committee of Psychologists <i>(Changed from 4 CSR 235)</i>				31 MoReg 1346
20 CSR 2245	Real Estate Appraisers <i>(Changed from 4 CSR 245)</i>				31 MoReg 1347
20 CSR 2250	Missouri Real Estate Commission <i>(Changed from 4 CSR 250)</i>				31 MoReg 1348
20 CSR 2255	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255)</i>				31 MoReg 1349
20 CSR 2255-1.040	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255-1.040)</i>		31 MoReg 1402		
20 CSR 2255-2.010	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255-2.010)</i>		31 MoReg 1405		
20 CSR 2255-2.020	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255-2.020)</i>		31 MoReg 1407		
20 CSR 2255-2.030	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255-2.030)</i>		31 MoReg 1409		
20 CSR 2255-4.010	Missouri Board for Respiratory Care <i>(Changed from 4 CSR 255-4.010)</i>		31 MoReg 1411		
20 CSR 2263	State Committee for Social Workers <i>(Changed from 4 CSR 263)</i>				31 MoReg 1349
20 CSR 2263-1.035	State Committee for Social Workers <i>(Changed from 4 CSR 263-1.035)</i>		31 MoReg 1412		
20 CSR 2263-2.090	State Committee for Social Workers <i>(Changed from 4 CSR 263-2.090)</i>		31 MoReg 1415		
20 CSR 2267	Office of Tattooing, Body Piercing and Branding <i>(Changed from 4 CSR 267)</i>				31 MoReg 1350
20 CSR 2270	Missouri Veterinary Medical Board <i>(Changed from 4 CSR 270)</i>				31 MoReg 1350
20 CSR 2270-1.050	Missouri Veterinary Medical Board <i>(Changed from 4 CSR 270-1.050)</i>		31 MoReg 1417		

Agency**Publication****Expiration****Department of Agriculture**

Office of the Director

2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program 31 MoReg 1293 February 23, 2007

Department of Labor and Industrial Relations

Workers' Compensation

8 CSR 50-2.030 Resolution of Medical Fee Disputes 31 MoReg 1377 February 27, 2007

Department of Natural Resources

Clean Water Commission

10 CSR 20-7.050 Methodology for Development of Impaired Waters List Next Issue April 23, 2007

Department of Public Safety

Adjutant General

11 CSR 10-5.010 Missouri Veterans' Recognition Program 31 MoReg 1380 February 24, 2007

Department of Social Services

Children's Division

13 CSR 35-60.010 Family Homes Offering Foster Care 31 MoReg 1295 January 30, 2007
13 CSR 35-60.030 Minimum Qualifications of Foster Parent(s) 31 MoReg 1296 January 30, 2007
13 CSR 35-100.010 Residential Treatment Agency Tax Credit 31 MoReg 1623 March 29, 2007
13 CSR 35-100.020 Emergency Resource Center Tax Credit 31 MoReg 1628 March 29, 2007

Family Support Division

13 CSR 40-60.010 Family Homes Offering Foster Care 31 MoReg 1297 January 30, 2007
13 CSR 40-60.030 Minimum Qualifications of Foster Parent(s) 31 MoReg 1297 January 30, 2007
13 CSR 40-79.010 Domestic Violence Shelter Tax Credit 31 MoReg 1635 March 29, 2007

Division of Medical Services

13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance 31 MoReg 899 November 10, 2006
13 CSR 70-3.170 Medicaid Managed Care Organization Reimbursement Allowance 31 MoReg 1047 December 28, 2006
13 CSR 70-4.080 Children's Health Insurance Program 31 MoReg 1048 December 28, 2006
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services 31 MoReg 1050 December 28, 2006
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services 31 MoReg 1051 December 28, 2006
13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 31 MoReg 900 November 15, 2006
13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 31 MoReg 1052 December 28, 2006
13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid Program 31 MoReg 1052 December 28, 2006
13 CSR 70-60.010 Durable Medical Equipment Program 31 MoReg 1053 December 28, 2006

Elected Officials

Secretary of State

15 CSR 30-10.010 Definitions 31 MoReg 1129 February 22, 2007
15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems 31 MoReg 1130 February 22, 2007
15 CSR 30-10.130 Voter Education and Voting Device Preparation (DREs and Precinct Counters) 31 MoReg 1132 February 22, 2007
15 CSR 30-10.140 Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters) 31 MoReg 1133 February 22, 2007
15 CSR 30-10.150 Closing Polling Places (Precinct Counters and DREs) 31 MoReg 1134 February 22, 2007
15 CSR 30-10.160 Electronic Ballot Tabulation—Election Procedures (Precinct Counters and DREs) 31 MoReg 1135 February 22, 2007

Department of Health and Senior Services

Missouri Health Facilities Review Committee

19 CSR 60-50.300 Definitions for the Certificate of Need Process 31 MoReg 1382 February 23, 2007
19 CSR 60-50.400 Letter of Intent Process 31 MoReg 1382 February 23, 2007
19 CSR 60-50.410 Letter of Intent Package 31 MoReg 1383 February 23, 2007
19 CSR 60-50.430 Application Package 31 MoReg 1384 February 23, 2007
19 CSR 60-50.450 Criteria and Standards for Long-Term Care 31 MoReg 1385 February 23, 2007
19 CSR 60-50.470 Criteria and Standards for Financial Feasibility 31 MoReg 1386 February 23, 2007
19 CSR 60-50.600 Certificate of Need Decisions 31 MoReg 1386 February 23, 2007
19 CSR 60-50.700 Post-Decision Activity 31 MoReg 1387 February 23, 2007
19 CSR 60-50.800 Meeting Procedures 31 MoReg 1387 February 23, 2007
19 CSR 60-50.900 Administration 31 MoReg 1388 February 23, 2007

Department of Insurance, Financial Institutions and Professional Registration

Missouri State Committee of Interpreters

20 CSR 2232-2.400 Certification Recognized by the Board 31 MoReg 1465 February 27, 2007

**Executive
Orders****Subject Matter****Filed Date****Publication****2006**

06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055

**Executive
Orders**

Subject Matter

Filed Date

Publication

06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	This Issue
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	This Issue
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	Next Issue
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	Next Issue
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	Next Issue
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	Next Issue
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	Next Issue
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	Next Issue
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	Next Issue
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	Next Issue
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	Next Issue

2005

05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439

**Executive
Orders**

	Subject Matter	Filed Date	Publication
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
05-21	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
05-22	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
05-23	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
05-24	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
05-25	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
05-26	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
05-27	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131
05-28	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133
05-29	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
05-30	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
05-31	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
05-32	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
05-33	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
05-34	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
05-35	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
05-36	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
05-37	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
05-38	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
05-39	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472

**Executive
Orders**

Subject Matter

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Publication

05-40	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
05-41	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
05-42	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
05-43	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	31 MoReg 93
05-44	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 96
05-45	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 97
05-46	Creates and establishes the Missouri Energy Task Force	December 27, 2005	31 MoReg 206
05-47	Directs that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in cleanup efforts in Reynolds County resulting from the Taum Sauk Upper Reservoir failure shall be subject to interim application requirements	December 29, 2005	31 MoReg 279

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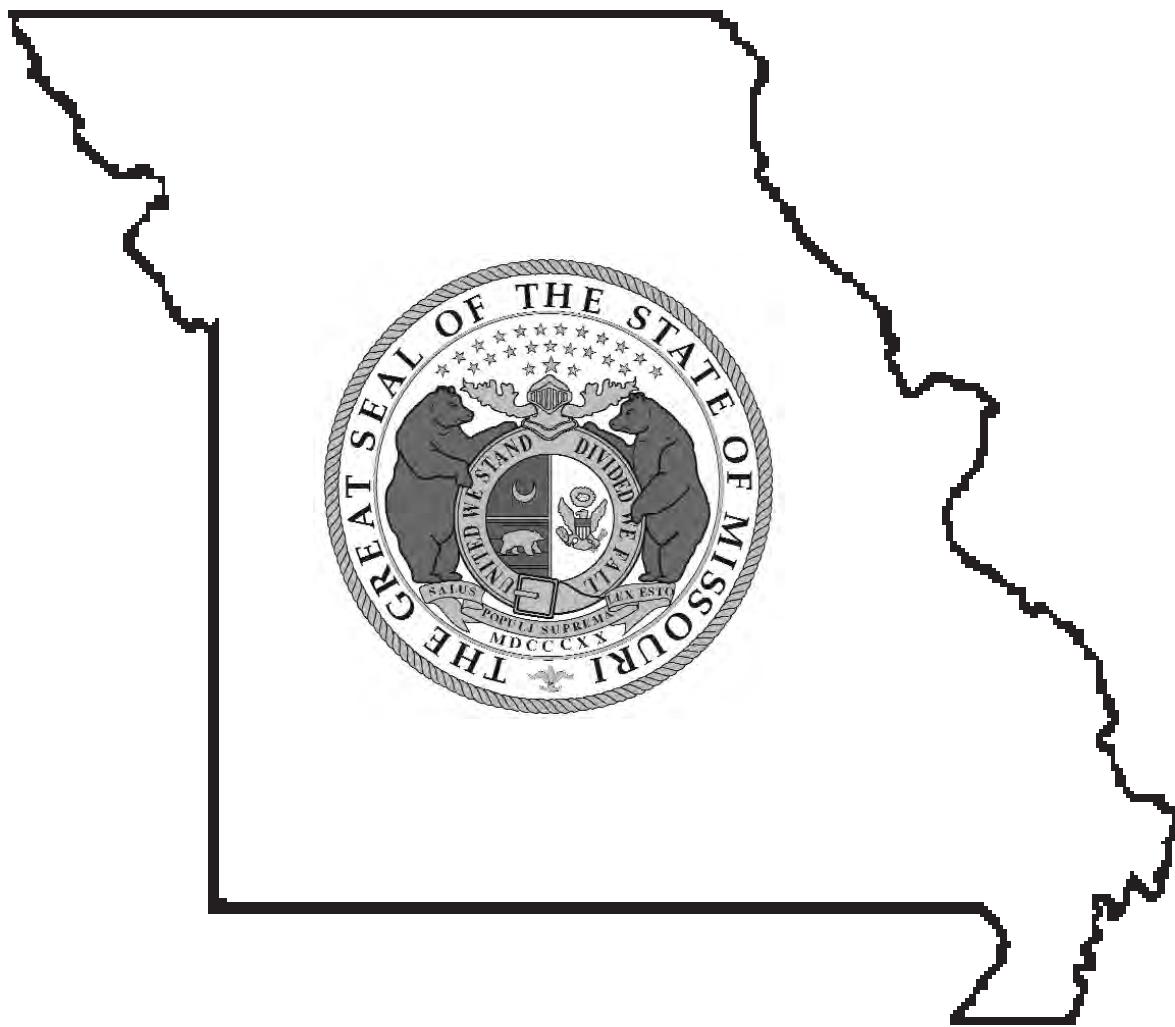
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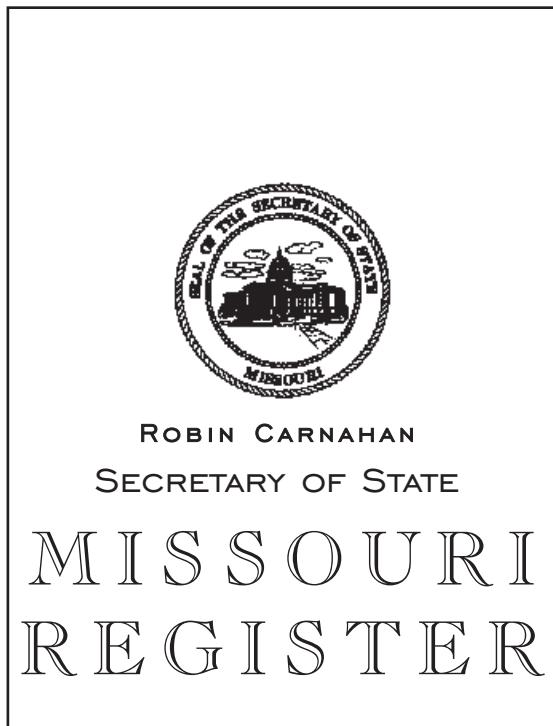


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